“That millions of people share the same forms of mental pathology does not make these people sane.”
[Eric Fromm]
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>TABLE OF CONTENTS</td>
<td>2</td>
</tr>
<tr>
<td>LIST OF TABLES</td>
<td>3</td>
</tr>
<tr>
<td>LIST OF FIGURES</td>
<td>4</td>
</tr>
<tr>
<td>TABLE OF AUTHORITIES</td>
<td>4</td>
</tr>
<tr>
<td>1 Introduction</td>
<td>25</td>
</tr>
<tr>
<td>2 WHAT is a “straw man”?</td>
<td>26</td>
</tr>
<tr>
<td>2.1 Commercial transaction</td>
<td>27</td>
</tr>
<tr>
<td>2.2 Agency (office)</td>
<td>32</td>
</tr>
<tr>
<td>2.3 Property being acquired or transferred that would otherwise not be allowed or unlawful</td>
<td>39</td>
</tr>
<tr>
<td>3 HOW is the straw man created?</td>
<td>44</td>
</tr>
<tr>
<td>4 WHY was the straw man created?</td>
<td>53</td>
</tr>
<tr>
<td>4.1 Government can’t lawfully impose duties upon private parties</td>
<td>53</td>
</tr>
<tr>
<td>4.2 Government can’t lawfully pay public monies to private parties</td>
<td>55</td>
</tr>
<tr>
<td>4.3 Government can’t lawfully maintain records on private parties without violating their Fourth Amendment Rights</td>
<td>66</td>
</tr>
<tr>
<td>4.4 Government can’t lawfully use, benefit from, or tax your private property without your consent</td>
<td>72</td>
</tr>
<tr>
<td>5 Public Office and Public Interest: The Straw Man's Clothes</td>
<td>77</td>
</tr>
<tr>
<td>5.1 How the straw man is created and gets his “clothes”</td>
<td>77</td>
</tr>
<tr>
<td>5.2 The “straw man” is a public officer and a “fiction of law”</td>
<td>81</td>
</tr>
<tr>
<td>5.3 The State Created Office of “person”</td>
<td>82</td>
</tr>
<tr>
<td>5.4 Legal Requirements for Occupying a “Public Office”</td>
<td>91</td>
</tr>
<tr>
<td>5.5 “Public Office” v. “Public Officer”</td>
<td>96</td>
</tr>
<tr>
<td>6 “person” in the Bible and under natural law</td>
<td>99</td>
</tr>
<tr>
<td>6.1 Introduction</td>
<td>99</td>
</tr>
<tr>
<td>6.2 State can only tax or regulate that which it creates and it didn’t create men or women, but only “persons’”</td>
<td>101</td>
</tr>
<tr>
<td>6.3 Confusion by Definition</td>
<td>101</td>
</tr>
<tr>
<td>6.4 How can there be a controversy when persons are going to jail or being executed?</td>
<td>103</td>
</tr>
<tr>
<td>6.5 Father Son Relationship</td>
<td>105</td>
</tr>
<tr>
<td>7 Public v. Private</td>
<td>106</td>
</tr>
<tr>
<td>7.1 Introduction</td>
<td>108</td>
</tr>
<tr>
<td>7.2 What is “Property”?</td>
<td>111</td>
</tr>
<tr>
<td>7.3 “Public” v. “Private” property ownership</td>
<td>112</td>
</tr>
<tr>
<td>7.4 The purpose and foundation of de jure government: Protection of EXCLUSIVELY PRIVATE rights</td>
<td>113</td>
</tr>
<tr>
<td>7.5 The Ability to Regulate Private Rights and Private Conduct is Repugnant to the Constitution</td>
<td>119</td>
</tr>
<tr>
<td>7.6 The Right to be left alone</td>
<td>123</td>
</tr>
<tr>
<td>7.7 The PUBLIC You (straw man) vs. the PRIVATE You (human)</td>
<td>126</td>
</tr>
<tr>
<td>7.8 All PUBLIC/GOVERNMENT law attaches to government territory, all PRIVATE law attaches to your right to contract</td>
<td>132</td>
</tr>
<tr>
<td>7.9 “Political (PUBLIC) law” v. “civil (PRIVATE/COMMON) law”</td>
<td>135</td>
</tr>
<tr>
<td>7.10 Lawful methods for converting PRIVATE property into PUBLIC property</td>
<td>138</td>
</tr>
<tr>
<td>7.11 Unlawful methods abused by government to convert PRIVATE property to PUBLIC property</td>
<td>144</td>
</tr>
<tr>
<td>8 Metaphors that explain the straw man</td>
<td>152</td>
</tr>
<tr>
<td>8.1 Work world</td>
<td>153</td>
</tr>
<tr>
<td>8.2 Christianity</td>
<td>154</td>
</tr>
<tr>
<td>8.3 Computer Programming</td>
<td>154</td>
</tr>
<tr>
<td>9 Franchises implemented as trusts are the legal vehicle used to implement the “straw man”</td>
<td>155</td>
</tr>
<tr>
<td>10 The Founding Fathers and the Bible Both Say You Shouldn’t Engage in Commerce or</td>
<td>159</td>
</tr>
<tr>
<td>Franchises with the Government or Act as a “Straw Man”</td>
<td></td>
</tr>
<tr>
<td>11 Proof of the existence of the straw man</td>
<td>162</td>
</tr>
<tr>
<td>11.1 All Government enforcement authority almost exclusively over only the “straw man”</td>
<td>162</td>
</tr>
</tbody>
</table>
11.2 Internal Revenue Code, Subtitle A is an Excise Tax Upon the “Straw Man” ......................................................... 165
11.3 The Information Return Scam ......................................................................................................................... 173
11.4 Definition of “income” means earnings of a trust or estate ............................................................................ 182
11.5 IRS Form 1040 .............................................................................................................................................. 183
11.6 Social Security ............................................................................................................................................ 186
11.7 How banks become “persons” and “public officers” under federal law ..................................................... 188
11.8 Federal Rule of Civil Procedure 17 ............................................................................................................. 192
11.9 The Privacy Act identifies the “straw man” ................................................................................................. 193
11.10 Taxpayer Identification Numbers are Issued to the Straw Man ............................................................... 194
11.11 UCC places the Straw Man in the District of Columbia .......................................................................... 199
11.12 IRS Liens are against the “straw man” ....................................................................................................... 200
11.13 All IRS correspondence is directed at the “straw man” and not private persons ..................................... 201
11.14 IRS Withholding Notices Are Directed at the Straw Man ..................................................................... 201
11.15 Tax Court and IRS Notices of Deficiency are directed ONLY at the “Straw Man” .................................. 202

12 Why it is THEFT to use the straw man for PRIVATE gain or advantage ................................................. 204

13 Legal Actions Against the “Straw Man” ........................................................................................................... 206
13.1 The Straw Man in Court ............................................................................................................................. 207
13.2 Proving consent that creates the “straw man” in court .............................................................................. 210
13.3 Franchise (property) courts ....................................................................................................................... 213
13.4 Proceedings against “straw man” are “in rem” ........................................................................................... 215
13.5 Disassociating yourself from the “straw man” on the record of the proceeding ....................................... 218
13.6 Effect of representing the “straw man” on your standing ........................................................................ 222
13.7 Effect of franchises on Constitutional Requirement for “due process of law”: NONE REQUIRED .......... 223
13.8 Investigating further ................................................................................................................................... 226
13.9 Statutes limited to federal territory can reach the straw man ANYWHERE ............................................. 226

14 How most people are fraudulently deceived into thinking they are the Straw Man .................................. 232

15 ALL CAPS NAME fallacies ............................................................................................................................ 236

16 Attacking illegal franchise enforcement in a court of law ............................................................................ 238

17 Lawfully Avoiding the Duties of the Straw Man ............................................................................................ 240
17.1 In General .................................................................................................................................................. 240
17.2 Resignation of Compelled Social Security Trustee, Form #06.002 ............................................................. 243
17.3 Legal Notice of Change in Domicile/Citizenship Records and Divorce From the United States, Form #10.001243
17.4 Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001 ............................................................ 246
17.5 Tax Form Attachment, Form #04.000 ....................................................................................................... 246
17.6 Why It Is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.205 .............. 247
17.7 IRS Form 56: Disconnecting from the Straw man ..................................................................................... 247
17.8 Delegation of Authority from God to Christians, Form #13.007 ............................................................... 247
17.9 Liencing the Straw Man so he can’t do you any harm .............................................................................. 248
17.10 The Government “Benefits” Scam, Form #05.040 ..................................................................................... 248

18 Legal Remedies for Identity Theft .................................................................................................................. 248

19 Rebutted arguments against this pamphlet .................................................................................................... 253
19.1 Team Law rebuttal (Craig Madsen) .......................................................................................................... 253
19.2 Other rebuttals of redemption arguments ................................................................................................ 256

20 Conclusions and summary .............................................................................................................................. 256

21 Resources for Further Study and Rebuttal .................................................................................................... 267

22 Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government.......................... 268

----------

LIST OF TABLES

Table 1: Two methods for taxation ...................................................................................................................... 58

Proof that There Is a “Straw man” 3 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT:_______
Table 2: Rules for converting private property to a public use or a public office ................................................. 79
Table 3: Public v. Private Property ................................................................. 113
Table 4: Public v. Private ................................................................................ 132
Table 5: Meanings assigned to “United States” by the U.S. Supreme Court in Hooven & Allison v. Evatt .................. 134
Table 6: Rules for converting private property to a public use or a public office ................................................... 142
Table 7: Instances where Taxpayer Identification Number is MANDATORY ......................................................... 195
Table 8: Statutory remedies for those compelled to act as public officers and straw man ........................................ 248
Table 9: Rules for converting private property to a public use or a public office ................................................... 255

LIST OF FIGURES

Figure 1: Social Security Card: Back .......................................................................................................................... 49

TABLE OF AUTHORITIES

Constitutional Provisions

14th & 19th Amendment ...................................................................................................................................... 102
14th Amendment ................................................................................................................................................ 103
4th Amendment ................................................................................................................................................. 102
Art. I, Sec. 8 ................................................................................................................................................... 98
Art. IV ............................................................................................................................................................. 120
Art. III ........................................................................................................................................................... 37, 206, 207
Article I, Section 10 ........................................................................................................................................ 248
Article I, Section 8 ........................................................................................................................................ 231
Article I, Section 8, Clause 17 ......................................................................................................................... 35
Article I, Section 8, Clause 3 .................................................................................................................................. 58
Article I, Section 8, Clause 4 ................................................................................................................................ 229, 231
Article I, Section 8, Clauses 1 and 3 ................................................................................................................ 141
Article I, Section 9, Clause 8 ........................................................................................................................ 264
Article 4 of the USA Constitution ................................................................................................................ 113
Article 4, Section 3, Clause 2 ........................................................................................................................... 43, 136, 213, 230, 258, 261
Article 4, Section 4 ........................................................................................................................................ 44, 127
Article 4, Section 4 of the United States Constitution .......................................................................................... 239
Article I ........................................................................................................................................................... 136, 220
Article III ......................................................................................................................................................... 132, 214, 226, 261
Articles 1 and IV ............................................................................................................................................ 132
Articles of Confederation .................................................................................................................................. 120, 130
Bill of Rights ................................................................................................................................................... 60, 89, 120
Cons. III., 1870, Art. 5, §24 ................................................................................................................................. 35
Declaration of Independence .................................................................................................................................. 120, 143, 240, 248, 260
Declaration of Independence, 1776 ................................................................................................................ 109, 113, 139
Federalist Paper No. 79 ......................................................................................................................................... 64
Fifth Amendment .............................................................................................................................................. 116, 119, 140, 141, 146, 224
Fifth Amendment Takings Clause ..................................................................................................................... 129, 174
Fifth and Fourteenth Amendments .................................................................................................................. 147
First Amendment ............................................................................................................................................. 27, 120
Fourteenth Amendment ........................................................................................................................................ 140, 146, 147, 230
Fourteenth Amendment, Section 1 ................................................................................................................ 57
Fourth Amendment .......................................................................................................................................... 66, 193
Thirteenth Amendment ........................................................................................................................................ 41, 53, 54, 60, 65, 128, 145, 191, 257, 261, 265, 268, 269, 276
U.S. Constitution ............................................................................................................................................... 35
U.S. Constitution, Fifth Amendment ................................................................................................................ 174
U.S. Constitution, Ninth Amendment ............................................................................................................... 90
Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT:___
Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

<table>
<thead>
<tr>
<th>Statute/Code</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S.C. §3002(15)(A)</td>
<td>62, 75, 122, 134, 186, 192</td>
</tr>
<tr>
<td>U.S.C. §453</td>
<td>214</td>
</tr>
<tr>
<td>U.S.C. §455</td>
<td>43, 131, 177</td>
</tr>
<tr>
<td>3 Stat. 587, sect. 7</td>
<td>119</td>
</tr>
<tr>
<td>U.S.C. §321(d)</td>
<td>187</td>
</tr>
<tr>
<td>U.S.C. §5331</td>
<td>67</td>
</tr>
<tr>
<td>U.S.C. §105-113</td>
<td>158</td>
</tr>
<tr>
<td>U.S.C. §110(d)</td>
<td>232</td>
</tr>
<tr>
<td>U.S.C. §301</td>
<td>186</td>
</tr>
<tr>
<td>U.S.C. §405(c)(2)(C)(i)</td>
<td>153</td>
</tr>
<tr>
<td>U.S.C. §408(a)(7)</td>
<td>153</td>
</tr>
<tr>
<td>U.S.C. §408(a)(8)</td>
<td>145</td>
</tr>
<tr>
<td>U.S.C. Chapter 7</td>
<td>207</td>
</tr>
<tr>
<td>U.S.C. §1505(a)</td>
<td>194</td>
</tr>
<tr>
<td>U.S.C. §1508</td>
<td>163</td>
</tr>
<tr>
<td>U.S.C. §3412</td>
<td>202</td>
</tr>
<tr>
<td>U.S.C. §1612</td>
<td>94</td>
</tr>
<tr>
<td>U.S.C. §2105</td>
<td>34, 193, 201, 258, 276</td>
</tr>
<tr>
<td>U.S.C. §2105(a)</td>
<td>81, 123, 153</td>
</tr>
<tr>
<td>U.S.C. §301</td>
<td>194</td>
</tr>
<tr>
<td>U.S.C. §552</td>
<td>163</td>
</tr>
<tr>
<td>U.S.C. §552(a)(2)</td>
<td>125</td>
</tr>
<tr>
<td>U.S.C. §552a</td>
<td>186</td>
</tr>
<tr>
<td>U.S.C. §552a(a)(13)</td>
<td>46, 59, 110, 186, 188, 193, 196</td>
</tr>
<tr>
<td>U.S.C. §552a(a)(2)</td>
<td>59, 68, 187, 233</td>
</tr>
<tr>
<td>U.S.C. §552a(b)</td>
<td>69</td>
</tr>
<tr>
<td>U.S.C. §553(a)(1)</td>
<td>163</td>
</tr>
<tr>
<td>U.S.C. §553(a)(2)</td>
<td>164</td>
</tr>
<tr>
<td>U.S.C. §841</td>
<td>161, 181, 264</td>
</tr>
<tr>
<td>U.S.C. §1101(a)(3)</td>
<td>260</td>
</tr>
<tr>
<td>U.S.C. §1401</td>
<td>95, 230</td>
</tr>
<tr>
<td>U.S.C. §1401</td>
<td>229</td>
</tr>
<tr>
<td>Administrative Procedures Act, 5 U.S.C. §553</td>
<td>163</td>
</tr>
<tr>
<td>Bank Secrecy Act</td>
<td>69, 70, 71</td>
</tr>
<tr>
<td>Bank Secrecy Act of 1970</td>
<td>189, 191</td>
</tr>
<tr>
<td>Buck Act of 1940</td>
<td>158</td>
</tr>
<tr>
<td>Calif. Evid. Code, §600</td>
<td>30</td>
</tr>
<tr>
<td>California Civil Code, §§667-680</td>
<td>112</td>
</tr>
<tr>
<td>California Civil Code, §1589</td>
<td>144</td>
</tr>
<tr>
<td>California Civil Code, §655</td>
<td>113</td>
</tr>
<tr>
<td>California Civil Code, Section 1589</td>
<td>215, 259</td>
</tr>
<tr>
<td>Civ. Code Cal. (1903), 2260</td>
<td>156</td>
</tr>
<tr>
<td>Civ. Code Cal. (1903), 2282</td>
<td>155</td>
</tr>
<tr>
<td>Civ. Code La. art. 2293</td>
<td>28</td>
</tr>
<tr>
<td>Declaratory Judgments Act, 28 U.S.C. §2201(a)</td>
<td>219, 233</td>
</tr>
<tr>
<td>District of Columbia Act of 1871</td>
<td>187</td>
</tr>
<tr>
<td>Family Code</td>
<td>230</td>
</tr>
<tr>
<td>Federal Register Act, 44 U.S.C. §1505</td>
<td>163</td>
</tr>
<tr>
<td>Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97</td>
<td>32, 205</td>
</tr>
<tr>
<td>Freedom of Information Act</td>
<td>194</td>
</tr>
<tr>
<td>Hawaii Revised Statutes, §271-1</td>
<td>77</td>
</tr>
<tr>
<td>House of Representatives, Ex. Doc. 99, 1867</td>
<td>172</td>
</tr>
<tr>
<td>I.R.C. (26 U.S.C.) sections 1, 32, and 162</td>
<td>59</td>
</tr>
</tbody>
</table>
I.R.C. §501(c)(3) ................................................................. 47
I.R.C. Section 1040 .......................................................... 200
Internal Revenue Code .................................................... 165, 175, 230, 236, 277, 279
Internal Revenue Code of 1939 ......................................... 203
Internal Revenue Code or 1939 ........................................... 158
Internal Revenue Code, Subtitle A ..................................... 42, 46, 61, 63, 64, 69, 164, 165, 173, 185, 190, 193, 220, 222
Internal Revenue Code, Subtitle B .................................... 200
Internal Revenue Code, Subtitles A and C .......................... 110, 154
Mass. Rev. Laws (1902), ch. 147, 12 ................................. 156
Model Penal Code, Q 223.0 .............................................. 67, 112
Omnibus Taxpayer Bill of Rights Act ................................ 177
Privacy Act ..................................................................... 193, 194
Privacy Act, 5 U.S.C. §552a .............................................. 68
Privacy Act, 5 U.S.C. §552a(a)(13) ..................................... 59
Public Salary Tax Act of 1939 ............................................... 158
Religious Freedom Restoration Act (RFRA) ....................... 247
Rev. Civ. Code So. Dak. (1903), §1638 ............................... 156
Rev. Civ. Code So. Dak. (1903), 1651 ................................. 155
Rev. Code N. Dak. (1895), 4298 ........................................ 155
Revenue Act of 1926 (44 Stat. 10-87) ............................... 203
Securities Act of 1933 ....................................................... 195, 273
Social Security Act .......................................................... 63, 64, 186
Social Security Act, Title 42, Chapter 7 .............................. 220
Tax Reform Act of 1969 .................................................... 274
Technical and Miscellaneous Revenue Act of 1988 .............. 177
Title 42 .................................................................... 64
Title 5 of the U.S. Code .................................................... 68, 194
U.C.C. §1-207 ................................................................. 263
U.C.C. §1-308 ................................................................. 52, 263
U.C.C. §9-102 ................................................................. 50
U.C.C. §9-102 (44) ........................................................... 50
U.C.C. §9-102 (80) ........................................................... 50
U.C.C. §9-307 ................................................................. 36, 199, 266
Uniform Commercial Code ............................................... 26, 51, 199
Uniform Commercial Code (U.C.C.) ................................ 130
Uniform Commercial Code, Sections 3-401, 3-402, and 3-419 ................................................................. 51

Regulations
20 C.F.R. §422.103(d) ........................................................... 49, 110, 153, 186, 197, 204, 237, 245, 247, 257
20 C.F.R. §422.104 .............................................................. 157
22 C.F.R., Foreign Relations, Sections §§92.12 - 92.30 .......... 95
26 C.F.R. §1.1-1(a)(2)(ii) ..................................................... 258, 274
26 C.F.R. §1.1-1(c) ............................................................. 130, 258
26 C.F.R. §1.1441-1 ........................................................... 274
26 C.F.R. §1.1441-1(c)(26) .................................................. 196
26 C.F.R. §1.1441-1(c)(3) .................................................... 98, 187, 217, 219, 233, 258
26 C.F.R. §1.1441-1(c)(3)(ii) ............................................. 196
26 C.F.R. §1.1441-1(e)(5) ................................................... 196
26 C.F.R. §1.1441-1(e)(5)(ii) ............................................. 196
26 C.F.R. §1.1441-4(b)(4) ................................................... 196
26 C.F.R. §1.1441-5(c) ........................................................ 196
26 C.F.R. §1.1441-5(e) ....................................................... 196
26 C.F.R. §1.1441-6 ........................................................... 262

Proof that There Is a “Straw man”
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT: ___
Proof that There Is a “Straw man”

Federal Rule of Civil Procedure 17 ................................................................. 207, 208, 229
Federal Rule of Civil Procedure 17(a)(1)(F) .................................................... 207
Federal Rule of Civil Procedure 17(b) ............................................................ 64, 66, 97, 125, 129, 167, 184, 192, 208, 214, 221, 266
Federal Rule of Civil Procedure 17(b)(2) ....................................................... 207
Federal Rule of Civil Procedure 17(d) ............................................................ 192, 222
Federal Rule of Civil Procedure 8(b)(6) ......................................................... 268
Federal Rule of Criminal Procedure 43 ........................................................ 215
Hearsay Exceptions Rule, Federal Rule of Evidence 803(8) ................................ 108
Tax Court Rule 13(a) ..................................................................................... 202, 220

Cases

3 Ala. 137 .............................................................................................................. 152
4 Co. 118 .............................................................................................................. 109, 126
A. J. Yawger & Co. v. Joseph, 184 Ind. 228, 108 N.E. 774, 775 .......................... 28
Afroyim v. Rusk, 387 U.S. 253 (1967) ................................................................. 230
Allen v. Forrest, 8 Wash. 700, 36 P. 971 ................................................................ 213, 271
American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358 .......................... 235
Andrews v. O'Grady, 44 Misc.2d. 28, 252 N.Y.S.2d. 814, 817 ......................... 32
Arkansas-Missouri Power Co. v. Brown, 176 Ark. 774, 4 S.W.2d. 15, 58 A.L.R. 534 .... 45, 131, 212, 270
Arnson v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920 .......................... 38, 131, 223, 226, 242
Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936) .... 95, 99, 197, 235
Backus v. Lebanon, 11 N.H. 19 ........................................................................................................ 213, 271
Baker v. Montana Petroleum Co., 99 Mont. 465, 44 P.2d. 735 .......................................................................................... 45, 131, 212, 270
Balzac v. Porto Rico, 258 U.S. 298 (1922) .................................................................................... 242
Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 ...................................................... 29, 244, 278
Berea College v. Kentucky, 211 U.S. 45 (1908) ................................................................................ 122
Billings v. Hall, 7 CA. 1 ............................................................................................................. 126
Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 427, 26 S.Ct. .................................................................................. 28, 75
Bliss v. Hoy, 70 Vt. 37, 41 A. 1026 .................................................................................................. 156
Bogle v. Bogle, 3 Allen, 158 ........................................................................................................ 213, 271
Boise Artesian Hot & Cold Water Co. v. Boise City, 230 U.S. 84, 57 L.Ed. 1400, 33 S.Ct. 997 ................................................................. 37, 206
Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981) ............................................................... 36, 125, 219
Bowditch v. Banuelos, 1 Gray, 220 ..................................................................................................... 52
Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973) .......................................................................... 64, 194
Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134 ............................................................................. 29, 244, 278
Bruggeman v. Independent School Dist., No. 4, Union Tp., Mitchell County, 227 Iowa 661, 289 N.W. 5, 8, 11 ......................................... 28
Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683 ........................................................................ 206
Budd v. People of State of New York, 143 U.S. 517 (1892)........................................................................ 27, 244, 270
Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630 .................................................................................. 83, 190, 221, 233, 241, 254, 277
Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961) .............................................................................. 36, 125, 219
Calder v. Bull, 3 U.S. 386 (1798) .................................................................................................................. 58
Cal. Bankers Assoc. v. Shultz, 416 U.S. 21, 44, 39 L.Ed.2d. 812, 94 S.Ct 1494 .......................................................... 189, 192
California Bankers Ass’n v. Shultz, 416 U.S. 21 (1974) .............................................................................. 69, 70, 71
California Bankers Ass’n v. Shultz, 416 U.S. 21, 94 S.Ct. 1494 (U.S.Cal. 1974) .......................................................... 69, 70, 71
Camden v. Allen, 2 Dutch., 398 ........................................................................................................... 39, 42, 56, 79, 188, 198
Cameron, to Use of Cameron v. Eynon, 332 Pa. 529, 3 A.2d. 423, 424 ............................................................................. 28, 74
Cargill v. Thompson., 57 Minn. 534, 59 N.W. 638 ............................................................................. 232
Carroll v. Petty, 121 W.Va 215, 2 SE.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct 85 .............................................................................. 29, 244
Carruth v. Carruth, 118 Mass. 431 .............................................................................................................. 156
Carter v. Carter Coal Co., 298 U.S. 238 (1936) .................................................................................. 136
Catlett v. Hawthorne, 157 Va. 372, 161 S.E. 47, 48 .................................................................................. 170
Catlin v. Trustees, 113 N.Y. 133, 20 N.E. 864 .............................................................................................. 100, 101
Cereghino v. State By and Through State Highway Commission, 230 Or. 439, 370 P.2d. 694, 697, 40, 67, 72, 112, 115, 139
Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452 ................................................................................ 34, 46, 92, 97, 114, 239
Chicago General R. Co. v. Chicago, 176 Ill. 253, 52 N.E. 880 ............................................................................. 45, 131, 212, 270
Chicago v. Chicago Union Traction Co., 199 Ill. 259, 65 N.E. 243 ............................................................................. 213, 271
Children's Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238 ............................................................................. 136
Chisholm v. Georgia (February Term, 1793) 2 U.S. 419, 2 Dall. 419, 1 L.Ed. 440 ............................................................................. 88
Chisholm v. Georgia, 2 Dall. (2.U.S.) 419, 1 L.Ed. 440, 455 (1793) .......................................................... 55, 87, 268
Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1794) ............................................................................. 100
Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793) .......................................................................................... 224
Chrysler Light & P. Co. v. Belfield, 58 N.D. 33, 224 N.W. 871, 63 A.L.R. 1337 ............................................................................. 45, 131, 212, 270
Church of Scientology v. U.S. Department of Justice (1979), 612 F.2d. 417, 425 .......................................................... 83

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org

Form 05.042, Rev. 8-6-2013

EXHIBIT: ________
City of Dallas v. Mitchell, 245 S.W. 944 (1922).................................................................................270
Civil Service Comm’n v. Letter Carriers, 413 U.S. 548, 556 (1973). ........................................64, 194
Clark v. Peoples Savings and Loan Ass’n of De Kalb County, 221 Ind. 168, 46 N.E.2d. 681, 682, 144 A.L.R. 1495......28
Clark v. United States, 95 U.S. 539 (1877).............................................................................................29
Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994 ..................................................213, 271
Clearefield Trust Co. v. United States, 318 U.S. 363, 369 (1943)...............................................................134
Colautti v. Franklin, 439 U.S. 379 (1979).....................................................................................277
Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979).................................................................277
Colautti v. Franklin, 439 U.S. at 392-393, n. 10..................................................................................83, 190, 221, 233, 242, 254, 277
Colvin v. Reed, 55 Pa. 375.......................................................................................................................217
Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108......................................................................130, 242
Commonwealth v. Alger, 7 Cush. 84....................................................................................................150
Connick v. Myers, 461 U.S. 138, 147 (1983)....................................................................................64, 194
Connizzo v. General American Life Ins. Co. (Mo App), 520 S.W.2d. 661.............................................129
Cooke v. United States, 91 U.S. 389, 398 (1875)...............................................................................134
Couch v. United States, 409 U.S., at 328, 93 S.Ct., at 615.................................................................69
Craig v. Craig, 3 Barb. Ch. 76..............................................................................................................156
Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.........................................................37, 206
Cruger v. Halliday, 11 Paige. 314............................................................................................................156
Cubic Corp. v. Marty, 4 Dist., 185 C.A.3d. 438, 229 Cal.Rptr. 828, 833 ..................................................75, 156
Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 S.W. 104........................................123, 271
Curley v. United States, 791 F.Supp. 52 .................................................................................................164
Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905).............................................................................52
Davis v. Davis, Tex.Civ.App., 495 S.W.2d. 607, 611.....................................................................40, 67, 72, 111, 115, 139
Dayton v. South Covington & C. Street R. Co., 177 Ky. 202, 197 S.W. 670...........................................213, 271
De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700............................................................130, 242
Dean v. Lanford, 9 Rich. Eq. (S. C.), 423...........................................................................................156
Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 (1935)..............................30
Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932).................................................................217, 279
Ditson v. Ditson, 4 R.I. 87.....................................................................................................................216, 279
Dodd v. United States, 223 F.Supp. 785.................................................................................................164
Dollar Savings Bank v. United States, 19 Wall. 227................................................................................31
Dollar Savings Bank v. United States, 19 Wall. 227, 239 (1874).......................................................87
Donovan v. Kansas City, 352 Mo. 430, 175 S.W.2d. 874, 884.............................................................27
Dore v. Southern Pacific Co. (1912), 163 Cal. 182, 124 P. 517...............................................................52
Downes v. Bidwell, 182 U.S. 244 (1901)................................................................................................69, 73, 120, 263
Dred Scott v. Sandford, 60 U.S. 393 (1856).........................................................................................33, 73, 170, 183, 257
Dred Scott v. Sandford, 60 U.S. 393, 508-509 (1856).................................................................140
Dufour v. Stacey, 90 Ky. 288, 14 S.W. 48.............................................................................................212, 271
Duncan v. Duncan, 265 Pa. 464, 109 A. 220......................................................................................217
East Ohio Gas Co. v. Akron, 81 Ohio.St. 33, 90 N.E. 40.................................................................212, 271
Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)..............................................................182
Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991).........................................................36, 125, 219
Elbert County v. Brown, 16 Ga.App. 834, 86 S.E. 651, 665.................................................................28
Elliott v. Eugene, 135 Or. 108, 294 P. 358..........................................................................................213, 271
Ellis v. Boston, H. & E. Railroad, 107 Mass. 1......................................................................................156
Evans v. Gore, 253 U.S. 245 (1920).......................................................................................................177
Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696......................................................................................38, 130, 222, 226, 242

Proof that There Is a “Straw man”
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 5-6-2013
EXHIBIT:________
Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413.  
Ex parte Blain, L. R. 12 Ch. Div. 522, 528 .......................................................... 206  
Ex parte Virginia, 100 U.S. 339, 346 .......................................................... 235  
Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144 .................. 29, 244, 245, 278  
Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641 .............................................. 31  
Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d. 996, 88 Cal.Rptr. 679, 690 .......................................................... 32  
Flesch v. Circle City Excavating & Rental Corp., 137 Ind.App. 695, 210 N.E.2d. 865 .................................................. 216, 278  
Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869) .......................................................... 52  
Franklin County v. Public Utilities Com., 107 Ohio.St. 442, 140 N.E. 87, 30 A.L.R. 429 .......................................................... 45, 131, 212, 270  
Frost & Frost Trucking Co. v. Railroad Comm’n of California, 271 U.S. 583 .......................................................... 179  
Gardner v. Broderick, 392 U.S. 273, 277-278 (1968) .......................................................... 64, 194  
Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524 .......................................................... 33, 46, 91, 97, 114, 239  
Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263 .......................................................... 40, 135, 244, 288  
Glenn v. Crane (Tex Civ App Houston (1st Dist) 352 S.W.2d. 773 .......................................................... 29, 244, 245, 278  
Glenn v. Crane (Tex Civ App Houston (1st Dist) 352 S.W.2d. 773, writ ref’r e (May 16, 1962) .......................................................... 29  
Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 .......................................................... 37, 206  
Gordon v. United States, 7 Wall, 188, 195, 19 L.Ed. 35 .......................................................... 38, 130, 222, 226, 242  
Gorton v. Doty, 57 Idaho 792, 69 P.2d. 136,139 .......................................................... 32  
Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303 .......................................................... 45, 131, 212, 270, 271  
Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581 .......................................................... 158, 191  
Grosjean v. American Press Co., 297 U.S. 233, 244 (1936) .......................................................... 122  
Gulf, C. & S. F. R. Co. v. Ellis, 165 U.S. 150 (1897) .......................................................... 73  
H. Liebes & Co. v. Klenenberg, C. C.A.Cal.. 23 F.2d. 611. 612 .......................................................... 27, 244, 270  
Hale v. Henkel, 201 U.S. 43, 74 (1906) .......................................................... 48, 60, 89, 124  
Hanson v. Vernon, 27 Ja., 47 .......................................................... 39, 42, 56, 79, 188, 198  
Harris v. Harris, 83 N.M. 441,493 P.2d. 407, 408 .......................................................... 40, 67, 72, 112  
Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964) .......................................................... 48, 61, 124, 161, 174, 254  
Heider v. Unicume, 142 Or. 416, 20 P.2d. 384 .......................................................... 29, 245, 278  
Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937) .......................................................... 70, 189, 192  
Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109 .......................................................... 240  
Hoffmann v. Kinealy, Mo., 389 S.W.2d. 745, 752 .......................................................... 67, 111, 115, 139  
Home Telephone & Telegraph Co. v. Los Angeles, 227 U.S. 278, 287 .......................................................... 153  
Hooon & Allison Co. v. Evatt, 324 U.S. 652 (1945) .......................................................... 133  
Housing Authority of Cherokee National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028 .......................................................... 141  
Howell v. Bowden, Tex.Civ. App., 368 S.W.2d. 842, &18 .......................................................... 40, 67, 72, 112  
Humble Oil & Re. fining Co. v. Bell, Tex.Civ.App., 172 S.W.2d. 800, 803 .......................................................... 32  
In re Balleis’ Estate, 144 N.Y. 132, 38 N.E. 1007 .......................................................... 100  
In re Hamilton, 148 N.Y. 310, 42 N.E. 717 .......................................................... 101  
In re Mytinger, D.C.Tex. 31 F.Supp. 977,978,979 .......................................................... 57  
In re Olmstead, 24 App. Div. (N. Y.) 190 .......................................................... 156  
In re Pierce, Butler & Pierce Mfg. Co., D.C.N.Y., 231 F. 312, 318 .......................................................... 28  

Proof that There Is a “Straw man”
Proof that There Is a "Straw man"

Matter of Miller, 15 Abb.Pr. 277

Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)

Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697

Macy v. Heverin, 44 Md.App. 358, 408 A.2d. 1067, 1069

Luther v. Borden, 48 U.S. 1 (1849)

Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13


Lippencott v. Allan

Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95

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

Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928)

License Cases, 5 How. 583

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

Lincoln v. Superior Court (1928), 95 Cal.App. 35, 271 P. 1107

Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95

Lippencott v. Allander, 27 Iowa 460

Loan Association v. Topeka, 20 Wall. 655 (1874)


Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572

Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13

Luther v. Borden, 48 U.S. 1 (1849)

Macy v. Heverin, 44 Md.App. 358, 408 A.2d. 1067, 1069

Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct. 571

Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697

Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)


Matter of Mayor of N.Y., 11 Johns., 77

Matter of Miller, 15 Abb.Pr. 277


McCulloch v. Md., 4 Wheat. 431


Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8

Johnson Freight Lines v. Davis, 170 Tenn. 177, 93 S.W.2d. 637, 639

Johnston v. United States, 228 U.S. 457, 458, 33 S.Ct. 572, 57 L.Ed. 919 (1913)

Juilliard v. Greenman, 110 U.S. 421 (1884)

Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576

Kaebyn v. St. Paul Co-op. Ass'n, 156 Minn. 113, 194 N.W. 112

Kaiser Aetna v. United States, 444 U.S. 164 (1979)


Kansas Gas & E. Co. v. Independence (CA10), 79 F.2d. 32, 638, 100 A.L.R. 1479

Katz v. Brandon, 156 Conn. 252, 214 A.2d. 579, 586

Kawananakoa v. Polynblank, 205 U.S. 349, 353, 27 S.Ct. 526, 527, 51 L.Ed. 834 (1907)

Kazubowski v. Kazubowski, 45 Ill.2d. 405, 259 N.E.2d. 282, 290


Kellum v. Browning's Adm'r., 231 Ky. 308, 21 S.W.2d. 459, 465


Labberton v. General Cas. Co. of America, 53 Wash.2d. 180, 332 P.2d. 250, 252, 254

Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710

Landon v. Kansas City Gas Co., C.C.A.Kan., 10 F.2d. 263, 266

Lane v. Railey, 280 Ky. 319, 133 S.W.2d. 74, 79, 81

Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196

Lechmere Tire and Sales Co. v. Burwick, 360 Mass. 718, 720, 721, 277 N.E.2d. 503

Lee v. Travelers' Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429

Levasseur v. Field (Me), 332 A.2d. 765

Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928)

License Cases, 5 How. 583

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

Lincoln v. Superior Court (1928), 95 Cal.App. 35, 271 P. 1107

Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95

Lippencott v. Allander, 27 Iowa 460

Loan Association v. Topeka, 20 Wall. 655 (1874)


Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572

Louisville v. Louisville Home Tel. Co., 149 Ky. 234, 148 S.W. 13

Luther v. Borden, 48 U.S. 1 (1849)

Macy v. Heyer, 44 Md.App. 358, 408 A.2d. 1067, 1069

Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct. 571

Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697

Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803)


Matter of Mayor of N.Y., 11 Johns., 77

Matter of Miller, 15 Abb.Pr. 277


McCulloch v. Md., 4 Wheat. 431

EXHIBIT:________
Proof that There Is a “Straw man”

EXHIBIT:________
Poitras v. R. E. Glidden Body Shop, Inc. (Me) 430 A.2d. 1113 ................................................................. 129
Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429 (1895) ................................................................. 100
Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429, 158 U.S. 601 (1895) ........................................ 114
Price v. United States, 269 U.S. 492, 46 S.Ct. 180 ................................................................. 31
Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S.Ct. 438, 442 (1944) ................................................................. 212
Prince, 321 U.S. at 167, 88 L.Ed. 645, 64 S.Ct. at 442 .................................................................................. 212
Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837) .................. 35, 62
Providence Bank v. Billings, 29 U.S. 514 (1830) ......................................................................................... 55, 256, 268
Providence Gas Co. v. Thurber, 2 R.I. 15 ................................................................................................. 213, 271
Pumpey v. Green Bay Company, 13 Wall. 177 ......................................................................................... 148
Quinby v. Public Serv. Com. 223 N.Y. 244, 119 N.E. 433, 3 A.L.R. 685 ........................................... 213, 271
Rabon v. State Finance Corporation, 203 S.C. 183, 26 S.E.2d. 501, 502 ........................................ 27, 244, 270
Re Board of Fire Comrs. 27 N.J. 192, 142 A.2d. 85 ........................................................................  45, 131, 212, 270
Re Prime’s Estate, 136 N.Y. 347, 32 N.E. 1091 .................................................................................. 100
Reinecke v. Smith, III., 53 S.Ct. 570, 289 U.S. 172, 77 L.Ed. 1109 ........................................... 216, 278
ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382 ................................................................................... 56, 140
Richmond v. Virginia Ry. & Power Co., 141 Va. 69, 126 S.E. 353 ................................................................ 45, 131, 212, 213, 270, 271
Ringe Co. v. Los Angeles County, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186 .................. 211
Routen v. West, 142 F.3d. 1434 C.A.9. ................................................................. 213, 271
Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87 ........................................................ 213, 271
Rutland Electric Light Co. v. Marble City Electric Light Co., 65 Vi. 377, 26 A. 635 ................................... 45, 131, 212, 270
Ryan v. Motor Credit Co., 30 N.J. Eq. 531, 23 A.2d. 607, 621 ................................................................. 81
Salt Lake City v. Utah Light & Traction Co., 52 Utah. 170, 173 P. 556, 3 A.L.R. 715 ................................ 213, 271
San Francisco Realty Co. v. Linnard (1929), 98 Cal.App. 33, 276 P. 368 .......................................... 32
Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) .................................................................... 75, 156
Shelley v. Kraemer, 334 U.S. 1 (1948) ........................................................................................................ 75, 156
Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878 .............................................................. 34, 42, 49, 76, 91, 96, 115, 198
Shreveport Traction Co. v. Shreveport, 122 La. 1, 47 So 40 .................................................................. 213, 271
Sinking Fund Cases, 99 U.S. 700 (1878) .......................................................................................... 179
Slaughter House Cases, 16 Wall. 36 ........................................................................................................ 53, 261, 265, 269
Smith v. Allwright, 321 U.S. 649, 644 .................................................................................................... 179
Smith v. Thornhill, Tex.Com.App. 25 S.W.2d. 597, 599 ................................................................. 27, 244, 270
Spring v. Constantino, 168 Conn. 563, 362 A.2d. 871, 875 .................................................................. 91
St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469 .......................................................... 158, 191, 259
Standard Oil Co. of Calif. v. Perkins, C.A.Or., 347 F.2d. 379, 383 .......................................................... 75, 156
State Compensation Ins. Fund v. Industrial Accident Commission, 216 Cal. 351, 14 P.2d. 306, 310  ................................................................................... 32
State ex rel. Cities Service Gas Co. v. Public Service Commission, 337 Mo. 809, 85 S.W.2d. 890, 894 ........................................................................ 32
State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d. 483, 486 .............. 34, 42, 49, 76, 91, 96, 115, 198
State ex rel. Daniel v. Broad River Power Co., 157 S.C. 1, 153 S.E. 537 ................................................................. 45, 131, 212, 270
State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d 665 ................................................................ 40, 135, 244, 258
State ex rel. Kansas City v. East Fifth Street R. Co., 140 Mo. 539, 41 S.W. 955 ................................ 45, 131, 212, 270, 271
State ex rel. Shaver v. Iowa Tel. Co., 175 Iowa 607, 154 N.W. 678 ......................................................... 213, 271
State ex rel. Weatherly v. Birmingham Waterworks Co., 185 Ala. 388, 64 So. 23 .................................................. 213, 271
State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593 .................................................................................. 34, 42, 49, 76, 91, 97, 115, 198
State v. Carter, 27 N.J.L. 499 .................................................................................................................. 235
State v. Gibbs, 82 Vi. 526, 74 A. 229 ...................................................................................................... 213, 271
State v. Robbins, 253 N.C. 47, 116 S.E.2d. 192, 193 ........................................................................... 31
State v. Ross, 23 N.J.L. 517, 521 .................................................................................................................. 32

Proof that There Is a “Straw man” 15 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT:________
Stearns v. Fraleigh, 39 Fla. 603 .......................................................... 156
Stenberg v. Carhart, 530 U.S. 914 (2000) .................................................. 83, 190, 221, 223, 234, 246, 277
Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937) .......................................................... 70, 189, 192
Stockwell v. United States, 13 Wall. 531, 542 ........................................... 31
Tarver, Steele & Co. v. Pendleton Gin Co., Tex.Civ.App., 25 S.W.2d. 156, 159 ................................. 33
Terry v. Adams, 345 U.S. 461 (1953) .................................................... 36, 125, 219
The Betsy, 3 Dall. 6 ........................................................................ 126
Thomas v. Higham, 1 Bail. Eq. 222 ........................................................ 156
Thorp v. Rutland & Burlington Railroad Co., 27 Vt. 149 .................................................. 149
Throp v. Langdon, 40 Mich. 678, 682 .................................................. 35, 82
Tower v. Tower & S. Street R. Co., 68 Minn. 500, 71 N.W. 691 ............... 40, 135, 244, 258
Town of Arlington v. Bds. of Conciliation and Arbitration, Mass., 352 N.E.2d. 914 .................................................. 93
Town of Balkan v. Village of Buhl, 158 Minn. 271, 197 N.W. 266, 35 A.L.R. 470 .................................................. 28
Trinity Episcopal Corp. v. Romney, D.C.N.Y., 387 F.Supp. 1044, 1084 .......... 224
Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) .................................................. 180, 234
Trustees of Phillips Exeter Academy v. Exeter, 92 N.H. 473, 33 A.2d. 665, 673 .................................................. 112
U.S. v. Cooper Corporation, 312 U.S. 600, 604 (1941) .................................. 87
U.S. v. Perkins, 163 U.S. 625 (1896) ................................................ 101
U.S. v. Smith, D.C.Iowa, 249 F.Supp. 515, 516 ........................................... 224
U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878) ........................................ 223
U.S. v. William M. Butler, 297 U.S. 1 (1936) ........................................ 73
Union Life Ins. Co. v. Glasscock, 270 Ky. 750, 110 S.W.2d. 681, 686, 114 A.L.R. 373 .................................................. 28, 75
United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 12, 32 L.Ed. 354 .................................................. 38, 130, 222, 226, 242
United States v. Borden Co., 308 U.S. 188, 192 (1939) .................................. 164
United States v. Bostwick, 94 U.S. 53, 64 (1877) ..................................... 134
United States v. Brown, 381 U.S. 437, 448-449, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492 .................................................. 50
United States v. California, 297 U.S. 175, 186 (1936) .................................. 87
United States v. Chamberlin, 219 U.S. 250, 31 S.Ct. 155 .................................. 31
United States v. Classic, 313 U.S. 299 (1941) ........................................ 153
United States v. Cooper Corp., 312 U.S. 600, 604 (1941) ................................ 87
United States v. Cooper Corporation, 312 U.S. 600 (1941) .............................. 126
United States v. Cruikshank, 92 U.S. 542 (1875) ...................................... 73, 240
United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883) ............ 106, 127, 229
United States v. Harris, 106 U.S. 629, 639 (1883) ...................................... 48, 61, 124, 161, 174, 254
United States v. Herron, 20 Wall. 251, 255 (1874) ........................................ 87
United States v. Holzer (CA7 Ill), 816 F.2d. 304 ...................................... 34, 46, 91, 97, 114, 239
United States v. Jones, 345 U.S. 377 (1953) ........................................ 164
United States v. Levy, 533 F.2d. 969 (1976) ........................................ 164
United States v. Little (CA5 Miss), 889 F.2d. 1367 ....................................... 114
United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252 .................................................. 50
United States v. Lutz, 295 F.2d. 736, 740 (CA9 1961) ................................ 73, 112
United States v. Maurice, 2 Brock. (U.S.C.C.) 96 .................................... 34, 92
United States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) .................................................. 167, 232

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT: ___
United States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) .......................................................... 35, 180
United States v. Murphy, 809 F.2d 142, 1431 .............................................. 164
United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975) .................... 73, 112
United States v. Reese, 92 U.S. 214, 218 (1876) .......................................................... 48, 61, 124, 161, 174, 254
United States v. Swift & Co., 318 U.S. 442 (1943) .................................................. 164
United States v. White, 322 U.S. 694, 699, 64 S.Ct. 1248, 1251, 88 L.Ed. 1542 (1944) .................................. 69
United States v. Worrall, 2 U.S. 384 (1798) ........................................................................ 82, 128
Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886) .......................................................... 55, 100, 256, 268
Van Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926) .................................................. 212
VanHorne’s Lessee v. Dorrance, 2 U.S. 304 (1795) .................................................. 55, 256, 268
Vaughn v. State, 3 Tenn.Crim.App. 54, 450 S.W.2d. 879, 883 .................................................. 224
Victory Cab Co v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433 .................................................. 212, 271
Wall v. Parrot Silver & Copper Co., 244 U.S. 407 .................................................. 158, 191, 259
Washington v. Atlantic Coast Line R. Co. 136 Ga. 638, 71 S.E. 1066 .................................................. 213, 271
Webster v. Vandeventer, 6 Gray, 428 .......................................................... 155
West v. West, 689 N.E.2d. 1215 (1998) .......................................................... 212
Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945) .......................................................... 83, 190, 221, 233, 242, 254, 277
Westport v. Mulholland, 159 Mo. 86, 60 S.W. 77 .......................................................... 213, 271
White v. Howard, 46 N.Y. 144 .......................................................... 100
Wickard v. Filburn, 317 U.S. 111, 63 S.Ct. 82 (1942) .................................................. 225
Wilkeson v. Leland, 2 Pet. 657 .......................................................... 150
Wilson v. United States, 221 U.S. 361, 382-384, 31 S.Ct. 538, 545-546, 55 L.Ed. 771 (1911) ............ 69
Wright v. Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791 .......... 213, 271
Yaselli v. Goff, C.C.A., 12 F.2d. 396, 403, 56 A.L.R. 1239 .................................................. 34, 42, 49, 76, 91, 96, 115, 197
Yick Wo v. Hopkins, 118 U.S. 356 (1886) .................................................. 25, 126
Yick Wo v. Hopkins, 118 U.S. 356, 369, 6 S.Sup.Ct. 1064, 1071 .................................................. 73, 118

Other Authorities

1 Bouv. Inst. n. 83 ........................................................................... 110
1 Liverm. Prfn. & Ag. 2 ................................................................... 33
1 W. Blackstone, Commentaries *467 .................................................. 35, 231
10 Bac. Abr. 264 ........................................................................... 152
19 Corpus Juris Secundum (C.J.S.), §§22, 24 .............................................. 216, 279
2 BL.Comm. 442 .......................................................... 27, 244, 270
2 BL.Comm. 443 ........................................................................... 28
2 Bouv. Inst. n. 2279, 2327 .............................................. 76
2 Bouv. Inst. n. 2279, 2327; 4 T. R. 657 .................................................. 139
2 Inst. 4 ........................................................................... 35
2 Inst. 46-7 ........................................................................... 35

Proof that There Is a “Straw man”
Government Conspiracy to Destroy the Separation of Powers, Form #05.023..........................139, 160
Government Instituted Slavery Using Franchises, Form #05.030..............45, 63, 159, 175, 180, 224, 231, 238, 258, 262, 267
Government Instituted Slavery Using Franchises, Form #05.030, Section 8..................230
Government Instituted Slavery Using Franchises, Form #05.030, Sections 12 to 12.5..........................226
Government Instituted Slavery Using Franchises, Form #05.030, Sections 20 through 21..........................240
Great IRS Hoax, Form #11.302..................................................................71
Great IRS Hoax, Form #11.302, Section 5.6.10: Public Officer Kickback Position..........................204
Great IRS Hoax, Form #11.302, Section 5.6.8..................................................................187
Great IRS Hoax, Form #11.302, Sections 3.9.1 through 3.9.28..........................236
Green Card..............................................................................................................228
Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian Fellowship..........................101
Highlights of American Legal and Political History CD, Sovereignty Education and Defense Ministry................267
House of Representatives, Ex. Doc. 99, 1867, pp. 1-2..............................................................173
How the Government Defrauds You Out of Legitimate Deductions for the Market Value of Your Labor, Form #05.026, 184
How the IRS traps into liability by making you a fiduciary for a dead "straw man", Family Guardian Fellowship...201, 267
Information Return FOIA: "Trade or Business", Form #03.023..........................178, 182
Internal Revenue Manual (I.R.M.)..................................................................166
Internal Revenue Manual (I.R.M.), Section 3.5.20.19..............................................178
Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8..............................................30, 176, 234, 246
Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)..........................124, 166, 277
Invisible Contracts, George Mercier ..........................................................................75
IRS Document 6209....................................................................................................175, 187
IRS Document 7130........................................................................................................184
IRS Form 1040........................................................................................................183, 184, 185, 188, 211
IRS Form 1040 Instruction Booklet ........................................................................185
IRS Form 1040, 1040A, 1040-EZ, or 1040X................................................................179
IRS Form 1042-S..................................................................................................63, 195, 259
IRS Form 1042-S Instructions.................................................................................217, 237
IRS Form 1042-S Instructions, p. 14...........................................................................64
IRS Form 1042s Instructions, Year 2006, p. 14.........................................................195, 218, 237, 259, 273
IRS Form 56..............................................................................................................247
IRS Form 668(Y)(c)...................................................................................................200
IRS Form 668(Y)(c) Notice of Lien..............................................................................200
IRS Form 8300..........................................................................................................68
IRS Form W-2..............................................................................................................142, 175, 179
IRS Form W-2C ..........................................................................................................179
IRS Form W-4...........................................................................................................64, 81, 142, 174, 176, 201, 276
IRS Form W-7 or W-9.................................................................................................218
IRS Form W-8..............................................................................................................259
IRS Form W-8BEN......................................................................................................81
IRS Forms 1040 or 1040NR.........................................................................................143
IRS Forms 1042-s, 1098, 1099, and W-2 .................................................................226
IRS Forms 1096 and W-3...........................................................................................177
IRS Forms W-2, 1042-S, 1098, and 1099.................................................................42, 177, 182, 221, 276
IRS Forms W-2, 1098, 1099, and K-1......................................................................144
IRS Forms W-4 or W-8..............................................................................................143
IRS Individual Master File (IMF)...............................................................................200
IRS Letter 2800C........................................................................................................200
IRS Notice of Deficiency (NOD)............................................................................203
IRS Notices of Deficiency (NOD), Letters 3219 and 531........................................202
IRS Publication 1544, Reporting Cash Payments of Over $10,000 (Received in a Trade or Business)..................189
IRS Publication 334.................................................................................................68
IRS Published Products Catalog (2003), p. F-15.........................................................184
Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930)..............................37, 206
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001......245

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001, Section 2.9

Liens: Are they for Subtitle A Income taxes or Subtitle B Estate Taxes?, Family Guardian Fellowship .......................................................... 201
London Dock Company .................................................................................. 151
Mackeld.Rom.Law 5 491 .................................................................................. 28
Mastering the Uniform Commercial Code, Family Guardian Fellowship .......................................................... 267
Meaning of the Words “includes” and “including”, Form #05.014 .......................................................... 181, 236, 254
Member Agreement, Form #01.001 .................................................................. 205
Member Agreement, Form #01.001 (see section 1.3, item 2 and section 4, item 10) .......................................................... 26
Member Agreement, Form #01.001, Section 1.3, Item 2 .......................................................... 204
Member Agreement, Form #01.001, Section 5, Item 14 .......................................................... 206
Memorandum of Law on the Name, Family Guardian Fellowship .. .......................................................... 236, 267
Ministry Introduction, Form #12.014 .................................................................. 154
Money and Banking Page, Family Guardian Fellowship .......................................................... 267
Moody’s Bank and Finance Manual 633-636 (1972) .......................................................... 70
Morpheus Explains: What is a Person?, Musicians for Freedom .......................................................... 99
Mr. Chief Justice Taney ................................................................................. 148
Mr. Choate................................................................................................. 114
Mr. Justice Miller .......................................................................................... 148
Nonresident Alien Position, Form #05.020, Sections 2.4.6 and 2.4.7 .......................................................... 227
Notice of Lien, IRS Form 668(Y)(c) .................................................................. 200
Officers of the United States Within the Meaning of the Appointments Clause, U.S. Attorney Memorandum Opinion .......................................................... 267
Overview of America, SEDM Liberty University, Section 2.3 .......................................................... 123
Patriot Mythology, Team Law Website, Craig Madsen .......................................................... 253
Policy Document: UCC Redemption, Form #08.002 .................................................................. 26, 205, 256, 263, 267
President Thomas Jefferson, concluding his first inaugural address, March 4, 1801 .......................................................... 41, 269
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 .......................................................... 30, 81, 118, 145, 235
Proof That There Is a “Straw Man”, Form #05.042 .................................................................. 205
Reasonable Belief About Income Tax Liability, Form #05.007 .................................................................. 30, 118, 236, 268
Requirement for Consent, Form #05.003 .................................................................. 130
Requirement for Consent, Form #05.003, Section 7.1: Consent is what creates the “person” or “individual” who is the only proper subject of government civil law ........................................................................ 90
Requirement for Equal Protection and Equal Treatment, Form #05.033 .................................................................. 116, 159, 205
Resignation of Compelled Social Security Trustee, Form #06.002 .................................................................. 187, 220, 238, 243, 247
Restatement (Second) of Torts §95B, comment at 400 (1979) .................................................................. 87
Restatement 2d, Contracts § 174 .................................................................. 278
Restatement, Second, Trusts, Q 2(c) .................................................................. 112
Rules of Presumption and Statutory Interpretation, Litigation Tool #10.003 .................................................................. 181, 221
Samuel Adams, 1772 .................................................................................. 161
Samuel Johnson Rasselas .................................................................................. 232
Second Plank of the Communist Manifesto, Karl Marx ........................................................................ 180
SEDM Disclaimer, Section 5, Item 14 .................................................................. 206
SEDM Exhibit #05.005 .................................................................................. 162
SEDM Exhibit #06.007 .................................................................................. 31
SEDM Forums, Forum 2.2: Developing Evidence of Citizenship and Sovereignty ........................................................................ 227
SEDM Jurisdictions Database Online, Litigation Tool #09.004 .................................................................. 252
SEDM Jurisdictions Database, Litigation Tool #09.003 .................................................................. 252
SEDM Liberty University, Section 4 .................................................................. 63
SEDM Litigation Tools page .................................................................................. 253
SEDM Member Agreement, Form #01.001, Section 1.2 .................................................................. 239
Senator Sam Ervin .................................................................................. 181, 232
Shelf. on mar. & Div. 449 .................................................................................. 76
Sir Matthew Hale .................................................................................. 147, 150, 151
Social Security Card .................................................................................. 49, 188
Social Security SS-5 form .................................................................................. 227

**Proof that There Is a “Straw man”**

Copyright Sovereignty Education and Defense Ministry, [http://sedm.org](http://sedm.org)

Form 05.042, Rev. 8-6-2013

EXHIBIT:____
Socialism: The New American Civil Religion, Form #05.016
Sovereign Christian Marriage, Form #13.009
Sovereignty Franchise and Agreement, Form #06.027
SSA Form SS-5
SSA Form SS-5, Application for a Social Security Card
State Created Office of “Person”, Family Guardian Fellowship
Supreme Court of Alabama
Tax Form Attachment, Form #04.201
The “Trade or Business” Scam, Form #05.001
The “Trade or Business” Scam, Form #05.001, Section 13
The “Trade or Business” Scam, Form #05.001, Section 2
The Government “Benefits” Scam, Form #05.040
The Law of Nations, Volume 3, Chapter XIX, Vattel, p. 87
The Money Scam, Form #05.041
The Power to Create is the Power to Tax, Family Guardian Fellowship
The Spirit of Laws, Charles de Montesquieu, 1758
The Spirit of Laws, Charles de Montesquieu, 1758, Book I, Section 1
The Spirit of Laws, Charles de Montesquieu, 1758, Book XXVI, Section 15
The Tax Court Scam, Form #05.039
The Theory of the Common Law, James M. Walker, 1852, pp. 17-20
The Truth About Trusts (ASNM, Vol. 7, No. 1)
The Wizard of Oz, Family Guardian Fellowship
There's No Statute Making Anyone LIABLE to Pay IRC Subtitle A Income Taxes
Thomas Jefferson to Charles Hammond, 1821. ME 15:331
Thomas Jefferson to Charles Hammond, 1821. ME 15:332
Thomas Jefferson to Gideon Granger, 1800. ME 10:168
Thomas Jefferson to Thomas Ritchie, 1820. ME 15:297
Thomas Jefferson, First Inaugural Address, March 4, 1801
Thomas Jefferson: 1st Inaugural, 1801. ME 3:320
Thomas Jefferson: Autobiography, 1821. ME 1:121
Transaction Code 582
Treasury Decision 3445
Treasury Order 150-02
Trust Fever (ASNM, Vol. 7, No. 1)
Trust Fever II: Divide and Conquer (ASNM, Vol. 7, No. 4)
Trusts: Invisible Snares (ASNM, Vol. 12, No. 1)
U.C.C. Security Agreement, Form #14.002
U.S. citizens and the New World Order
U.S. Government admits under oath that the IRS is not an agency of the U.S. Government!
U.S. Supreme Court
U.S. Tax Court
UCC Filing, Family Guardian Fellowship
UCC-3 form
United States Tax Court
Voodoo Dolls of the Elite, Part 1
Voodoo Dolls of the Elite, Part 2
Voodoo Dolls of the Elite, Part 3
W. Anderson, A Dictionary of Law 261 (1893)
Walt Disney World
West Keycites on "nationals of the United States"
What Happened to Justice?, Form #06.012

Proof that There Is a “Straw man”
Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013 ........................................ 237
Why Civil Statutory Law is Law for Government and not Private Persons, Form #05.037 ........................................ 208
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002, Section 11.5.3 ............................... 227
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002 ..................................................... 45, 47, 53, 117, 242
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002, Section 13.4 ............................... 145
Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205 ........................................... 220
Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037... 25, 49, 108, 123, 162, 220, 238, 254, 267
Why the Government Can't Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011 ......................................................... 202
Why You are a “national”, “state national” and Constitutional but not Statutory Citizen, Form #05.006, Sections 1.4.4 and 1.4.5 ........................................................................ 227
Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006 ........ 39, 117, 180
Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006, Section 3 and 4255
Why You Aren’t Eligible for Social Security, Form #06.001 .............................................................................................. 220, 243
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008 .... 90, 110, 117, 173, 203, 219, 254, 267
Woolrych on the Law of Waters, c. 6, of Mills ........................................................................................................... 152
Wrong Party Notice, Form #07.105 .......................................................................................................................... 69
Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008 ....................................................... 220, 238

**Scriptures**

1 John 2:3-6 .................................................................................................................................................................. 154
1 John 4:16 .................................................................................................................................................................. 154
1 Sam. 8:6-9 ................................................................................................................................................................. 128
1 Tim. 6:10 ................................................................................................................................................................ 235
Acts 10:34 ................................................................................................................................................................. 199
Bible ........................................................................................................................................................................ 231
Col. 2:8-10 ............................................................................................................................................................... 154
Colossians 2:8 .......................................................................................................................................................... 232
Deut. 19:16-21 .......................................................................................................................................................... 180, 264
Ecclésiastes 7:7 ......................................................................................................................................................... 44
Exodus 10:16 ............................................................................................................................................................ 180, 264
Exodus 23:1 ............................................................................................................................................................... 180, 264
Exodus 23:32-33 ....................................................................................................................................................... 160
Exodus 34:10-16 ......................................................................................................................................................... 223
Exodus 34:12 ............................................................................................................................................................ 160
Ezekiel 20:10-20 ........................................................................................................................................................ 160
Hos. 12:7, 8 ................................................................................................................................................................. 65
Hosea 4:6 .................................................................................................................................................................... 263
Isaiah 42:5 .................................................................................................................................................................... 154
Isaiah 45:18 ............................................................................................................................................................... 154
Isaiah 52:3 .................................................................................................................................................................. 157
James 2:7-10 ............................................................................................................................................................... 103
John 10:25-30 ........................................................................................................................................................... 210
John 10:7-10 ............................................................................................................................................................. 210
John 15:1-8 ............................................................................................................................................................... 154
John 7:49 .................................................................................................................................................................... 233
Judges 2:1-4, Bible, NKJV ....................................................................................................................................... 231
Leviticus 19:15 ............................................................................................................................................................ 99
Luke 16:13 .................................................................................................................................................................. 64, 246
Matt. 22:36-40 ............................................................................................................................................................ 243
Matt. 5:16 .................................................................................................................................................................... 154
Matthew Henry’s Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1 ............................. 65
Prov. 11:1 .................................................................................................................................................................. 65
1 Introduction

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

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

   The Power to Create is the Power to Tax, Family Guardian Fellowship
   [http://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm]

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

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

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

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

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

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

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

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

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

All we are going to prove indirectly is that:

1. Nearly all statutory civil law is law for government.
2. The only way you can become the subject of nearly all statutory civil law is to become an agent, officer, or contractor within the government through the exercise of your right to contract.

3. The mechanism by which you become part of the government under the statutory civil law is by signing up for government franchises. All franchises are contracts between the grantor, which is the government, and the grantee, which is you the private person.

4. When you become subject to a franchise agreement within the statutory civil law, you enter a partnership between the "res" or "public office" created by your right to contract, and you the private man. That partnership makes you surety for the actions of the officer who runs the entity and makes you a “person” within the meaning of statutory law who is therefore subject to that law or franchise.

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

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

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

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

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

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

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

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

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

http://sedm.org/forums/

2 WHAT is a “straw man”?

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

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

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

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

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

### 2.1 Commercial transaction

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

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


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

A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or abstain from doing, some act. Wharton; Smith v. Thomsill, Tex.Com.App. 25 S.W.2d. 597, 599. It is agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. H. Liebes & Co. v. Klangenberg, C. C.A.Ca1., 23 F.2d. 611, 612. A contract or agreement is either where a promise is made on one side and assented to on the other; or where two or more persons enter into engagement with each other by a promise on either side. 2 Steph. Comm. 54. The writing which contains the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.

[..]

**Constructive Contract**

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

[..]

**Quasi Contracts**

**Proof that There Is a “Straw man”**

Copyright Sovereignty Education and Defense Ministry, [http://sedm.org](http://sedm.org)

Form 05.042, Rev. 8-6-2013

EXHIBIT: ________
In the civil law. A contractual relation arising out of transactions between the parties which give them mutual
rights and obligations, but do not involve a specific and express convention or agreement between them.

Keener, Quasi Contr. 1; Elbert County v. Brown, 16 Ga.App. 834, 86 S.E. 651, 665. The lawful and purely
voluntary acts of a man, from which there results any obligation whatever to a third person, and sometimes a

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

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

It is not in fact a contract, but an obligation which the law creates in absence of any agreement, when and
because the acts of the parties or others have placed in the possession of one person money, or its equivalent,
dering circumstances that in equity and good conscience he ought not to retain it. Grossbier v.
Chicago, St. P., M. & 0. Ry. Co. 173 Wis. 503. 181 N.W. 746, 748: It is an implication of law. First Nat. Bank
474, 230 S.W. 566, 568. It is what was formerly known as the contract Implied in law; it has no reference to the
intentions or expressions of the parties. The obligation is imposed despite, and frequently in frustration of their

[...]

Express and Implied

An express contract is an actual agreement of the parties, the terms of which are openly uttered or declared at
the time of making it, being stated in distinct and explicit language, either orally or in writing. 2 Bl.Comm. 443;
2 Kent, Comm. 450; Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95; A. J. Yawger & Co. v. Joseph, 184 Ind. 228,

An implied contract is one not created or evidenced by the explicit agreement of the parties, but inferred by
the law, as a matter of reason and justice from their acts or conduct, the circumstances surrounding the
transaction making it a reasonable, or even a necessary, assumption that a contract existed between them by
mutual understanding. Miller’s Appeal, 100 Pa. 568, 43 Am.Rep. 394; Landon v. Kansas City Gas Co.,
Cameron, to Use of Cameron v. Eynon, 323 Pa. 452, 3 A.L.R. 423, 424; American La. Fire Engine Co.,
to Use of American La. France & Foamite Industries, v. Borough of Shenandoah, C.C.A.Pa., 115 F.2d. 886,
867.

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

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

1. An offer.
2. Mutual consideration.
4. Mutual voluntary consent or agreement.
5. Capacity of the consenting party to consent or obligate the entity or person so obligated. For instance, they must be of legal age and if they are representing an artificial entity, they must be EXPRESSLY authorized to do so by its lawful agents using a delegation order, power of attorney, or appointment document of some kind.

6. The absence of any duress upon either party.

7. Mutual assent or understanding of every aspect of the agreement and all the ramifications of the property being exchanged.

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

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

[American Jurisprudence 2d, Duress, §21 (1999)]

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

1. The contract included a provision that was a crime or illegal in some way. In such a case, the contract needs a severability clause ensuring that the illegal portion does not invalidate any other remaining portion of the contract.

2. The contract does not have the signature of BOTH parties. Most government applications only have the signature of the submitter and not the government, for instance.

3. Only one party signed the contract and that party said:

   3.1. Consent COULD NOT be conveyed by the other party IMPLIEDLY or without signature and . . .

   3.2. the other party REFUSES to sign or has no delegated authority to sign.

4. Either party to the contract had no authority or delegated authority to bind them to the contract, rendering their ratification or consent ineffectual. For instance, no one in the government other than the legislative branch can obligate the government to do anything. A contract with the government would be invalid and unenforceable if someone in the executive branch signed or represented his or her consent to the contract.

"Every man is supposed to know the law. A party who makes a contract with an officer [of the government] without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party aids in the violation of the law."

[Clark v. United States, 95 U.S. 539 (1877)]

5. There was no mutual assent or understanding of the terms of the contract or franchise. For instance:

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

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

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

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

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

⁴ Restatement 2d, Contracts § 174, stating that if conduct appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.
A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. **A presumption is not evidence.** A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. *Calif. Evid. Code, §600.*


[Routen v. West, 142 F.3d. 1434 C.A.Fed.,1998]

For further details on this SCAM, see:

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

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

5.1.2. **Reasonable Belief About Income Tax Liability**, Form #05.007

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

5.2. The definitions provided were untrustworthy.

“IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position.”

[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

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

**Tax Form Attachment**, Form #04.201

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

6. Your right to receive the “consideration” connected with the contract is not enforceable in CONSTITUTIONAL court and you aren’t a public officer so you can’t appear in a FRANCHISE court. In other words, you have been deprived of a remedy for deprivation of consideration in a real, constitutional court and NOT a legislative “franchise court” such as the **Tax Court Scam**, Form #05.039

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

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

“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”

[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”


“What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal division of the State having the power of taxation, there is in the contract a tacit reservation of a right in the debtor to raise contributions out of the money promised to be paid before payment? That cannot be, because if it could, the contract (in the language of Alexander Hamilton) would ‘involve two contradictory things: an obligation to do, and a right not to do; an obligation to pay a certain sum, and a right to retain it in the shape of a tax. It is against the rules, both of law and of reason, to admit by implication in the construction of a contract a principle which goes in destruction of it.’ The truth is, States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereignties. They come down to the level of ordinary individuals. Their contracts have the same meaning as that of similar contracts between private persons. Hence, instead of there being in the undertaking of a State or city to pay, a reservation of a sovereign right to
Likewise, any transaction that does not involve REAL consideration is also voidable. An example of a voidable contract is one in which the transaction was between one or more private persons and the alleged consideration involves Federal Reserve Notes. Federal Reserve Notes do NOT constitute legitimate consideration because:

1. Federal Reserve Notes are lawful money ONLY for PUBLIC debts, not private debts.
2. Federal Reserve Notes are nowhere defined in the law as a species of "dollar", nor are they THE dollar mentioned in the constitution. See:
   
   **EXHIBIT:** SEDM Exhibit #06.007
   [http://sedm.org/Exhibits/ExhibitIndex.htm](http://sedm.org/Exhibits/ExhibitIndex.htm)

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

   Money: In usual and ordinary acceptation it means coins and paper currency used as circulating medium of exchange, and does not embrace notes, bonds, evidences of debt, or other personal or real estate. Lane v. Railey, 280 Ky. 319, 133 S.W.2d 74, 79, 81.

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

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

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

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

[New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885)]

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

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

8 S.Ct. 1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641. Still the obligation to pay taxes is not penal. It is a statutory liability, quasi contractual in nature, enforceable, if there is no exclusive statutory remedy, in the civil courts by the common-law action of debt or indebitatus assumpsit.

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

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

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

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

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

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

### 2.2 Agency (office)

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

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

Agency is legally defined as follows:

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

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

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

The relation created by express or implied contract or by law, whereby one party delegates the transaction of some lawful business with more or less discretionary power to another, who undertakes to manage the affair and render to him an account thereof. State ex rel. Cities Service Gas Co. v. Public Service Commission, 537 Mo. 809, 85 S.W.2d. 890, 894. Or where one person confides the management of some affair, to be transacted
Every contract creates agency of one kind or another. As a bare minimum, that agency includes the duty of one person to accomplish the task of providing the consideration owed to the other person in the manner specified by the contract or agreement. More elaborate contracts may include more than simply two parties who exercise “agency” on behalf of the other party. An example of a more elaborate contract would be a trust, in which there are at least three parties:

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

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

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

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

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

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

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

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

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

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

---

4. The “corpus” of the trust is all the community property of the collective states of the Union, also called “public property”, which consists of:

4.1. Federal territory.

4.2. Federal possessions.

4.3. Federal contracts.

4.4. Federal franchises, which are also contracts. This includes Social Security, Medicare, Unemployment insurance, and even the federal income tax. All such franchises are usually funded with excise taxes that are avoidable by withdrawing participation in the franchise.

4.5. Public offices.

4.6. The protection franchise that attaches to those with a domicile or residence within the jurisdiction of the sovereign.

5. Those who are responsible for managing the public property within the corpus of the public trust are “public officers”.

--Public office--

The right, authority, and duty created and conferred by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign power, either great or small. 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 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.

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

Treatise on the Law of Public Offices and Officers

Book I: Of the Office and the Officer: How Officer Chosen and Qualified
Chapter I: Definitions and Divisions

§2 How Office Differs from Employment.

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

“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

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


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.” 12

“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 officer 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.” 13

[4 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=g9AAAAIAAJ&printsec=titlepage]

7. Article 1, Section 8, Clause 17 requires that all public offices must be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by law. The statutory implementation of that constitutional requirement is found in 4 U.S.C. §72.

8. The U.S. Constitution trust document also creates a corporation, because it creates a government and all governments consist of two elements: A “body politic” which creates a body corporate that then exercises the business of the body politic:

"Corporations are also of all grades, and made for varied objects: all governments are corporations, created by use and custom and 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, politque or natural; it is a part of their magna charta (2 Inst. 4) and is incorporated into our institutions. The persons of the members of corporations are on the same footing of protection as other persons, and their corporate property secured by the same laws which protect that of individuals. 2 Inst. 46-7. ‘No man shall be taken,’ ‘no man shall be disseised,’ without due process of law, is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal government, by the amendments to the constitution.”

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

At common law, a “corporation” was an “artificial perso[n] endowed with the legal capacity of perpetual succession” consisting either of a single individual (termed a “corporation sole”) or of a collection of several individuals (a “corporation aggregate”). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845). The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone, Commentaries *467. Under the definitions supplied by contemporary law dictionaries, Territories would have been classified as “corporations” (and hence as “persons”) at the time that 1983 was enacted and the Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) (“All corporations were originally modeled upon a state or nation”); 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, 202) States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v. United States, 11 How. 229, 231 (1851) (United States is “a corporation”). See generally Trustees of Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term “corporation”).

[Ngiraingas v. Sanchez, 495 U.S. 182 (1990)]

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

United States Code
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE
PART VI - PARTICULAR PROCEEDINGS
CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE
SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS
Sec. 3002. Definitions

12 Opinion of Judges, 8 Greenl. (Me.) 481.
13 Throop v. Langdon, 40 Mich. 678, 682; “An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed term with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished.” Cons. Ill., 1870, Art. 5, §24.
The above corporation was a creation of Congress in which the District of Columbia was incorporated for the first time. It is this corporation, in fact, that the UCC recognizes as the “United States” in the context of the above statute:

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

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

[Statutes at Large, 16 Stat. 419 (1871);
SOURCE: http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf]

Uniform Commercial Code (U.C.C.) § 9-307. LOCATION OF DEBTOR.

(h) [Location of United States.]

The United States is located in the District of Columbia.


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

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

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

[...]

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

[Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991)]
Notice the criteria above for whether the activity is governmental in character is:

"the extent to which the actor relies on governmental assistance and benefits".

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

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

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

[...]

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

Note based on the above that participation in benefits and franchises can cause you to surrender your right to hear disputes in a real, constitutional court in the judicial branch. Instead, Congress can write or revise the franchise agreement at any time without your consent, without noticing you, and without involving you to add any of the following deprivation of rights and you don’t have a thing you can do but quit the program because they will treat their RIGHT to do this as part of the consideration for your participation in the program! The purpose of EVERY unilateral change they make to the franchise agreement will always have the following treacherous purposes:

1.1. To create legislative franchise courts in the legislative rather than judicial branch.

---

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

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

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

1.3. To make you victims of all kinds of presumptions that would ordinarily be forbidden because they would deprive you of rights.

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

A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. (Vlandis v. Kline (1973), 412 U.S. 444, 449, 93 S.Ct. 2230, 2235; Cleveland Bed. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process)

[Federal Civil Trials and Evidence, Rutter Group, 2006, paragraph 8:4993, p. 8K-34]

1.4. To impose any kind of penalty they want for any kind of behavior they don’t like on behalf of franchisees. If you weren’t a franchisee, such penalties would be an unconstitutional “Bill of Attainder”.

2. Acceptance of or participation in commercial government benefits and franchises:


2.2. Makes the participant into a “person” or “individual” under the terms of the franchise agreement.

2.3. Changes the status of the participant from “foreign” to “resident”. Below is an example of this phenomenon in action with the “trade or business” franchise, which is the heart of the income tax. This is an older version of a regulation that tells the truth about the mechanisms of entrapment quite plainly...so plainly that the regulation had to be removed and rewritten to hide the truth after we published it for the first time!

26 C.F.R. §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 business and owns 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 foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. 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]


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

"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [a "public right", which is a euphemism for a "franchise"; to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup.Ct. 32, 23 L.Ed. 354; Ex parte Atosa, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 3 Wall. 419, 431, 433, 18 L.Ed. 700; Comey v. Vasie, 1 Pet. 193, 212, 7 L.Ed. 108, 2 (1850). That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 598, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Arison v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers & Mechanics' National Bank v. Dearing, 91 U.S. 29, 33, 23 L.Ed. 496. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 303, 43 L.Ed. 729; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 200; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided:


16 Geez!...do you think we might be on to something, folks?
4. They can only be administered by or conveyed to officers or agents of the government acting under the authority of a contract or franchise agreement and not to private persons, or else the government is abusing its taxing powers to redistribute wealth:

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

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

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

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

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

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

In accordance with this principle it is held that an alien can not hold the office of sheriff.17


6. The “aliens” they are talking about in the previous step are CONSTITUTIONAL aliens, meaning foreign nationals who are born in a foreign country.

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

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

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

The Government “Benefits” Scam, Form #05.040
http://sedm.org/Forms/FormIndex.htm

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

In law, all rights are considered “property”:

---

17 State v. Smith, 14 Sw. 497; State v. Murray, 28 Wis. 96, 9 Am.Rep. 489.
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, Tex.Civ-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. Kinney, Mo., 389 S.W.2d. 745, 752.

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

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

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

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

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, 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.

[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

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

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


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

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

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

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

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

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

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

2. Not use or abuse the authority of law to impose any duty other than that of refraining from injuring the equal rights of others. For instance, government has no moral authority to write a law that mandates good because this would be slavery in violation of the Thirteenth Amendment.

3. Keep what is “public” separate from what is private. Public servants intent on abusing their authority will try to steal private property and convert it to public use by mis-enforcing the tax laws, for instance.

4. Write clear laws that leave no doubt as to the conduct expected of citizens, who the “person” is who is the subject to the law, and precisely where the law applies.

"Men of common intelligence cannot be required to guess at the meaning of penal enactment.

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

"Where a statute is so vague as to make criminal an innocent act, a conviction under it cannot be sustained."

"Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves public uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed standards, what is prohibited and what is not in each particular case."

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

1. Private property being converted to a public use, public purpose, or public office without just compensation because of unlawful tax enforcement. This is called “conversion” and it is a crime pursuant to 18 U.S.C. §654.

2. The abuse of the government’s taxing power to transfer wealth between private parties:


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

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

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

3. A private citizen serving in a public office without the proper lawful authority. All “taxpayers” under the Internal Revenue Code, Subtitle A, for instance, are “public officers”. This public office is called a “trade or business” and is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. Only lawfully elected or appointed public officers can lawfully execute the functions of a public office.

4. An information return such as IRS Forms W-2, 1042-S, 1098, and 1099 being filed against anyone who is NOT lawfully engaged in a “public office” within the government:

4.1. This is a crime under:
4.1.1. 18 U.S.C. §912: Impersonating a “public officer” in the government
4.1.2. 26 U.S.C. §7206: False statements
4.1.3. 26 U.S.C. §7207: Fraudulent returns (information returns), statements, or other documents.

4.2. It is a civil tort pursuant to 26 U.S.C. §7434.

4.3. The effect of the false report is to unlawfully convert private property to a public office without compensation. There are only two instances where private property can be taken without compensation, which is if the owner voluntarily donates it to a public use or if he uses it to commit a crime and thereby hurts someone with it. For instance, when someone abuses their liberty and their life, which are property, to kill someone, the state asserts eminent domain against their entire person and places them in jail, convicts them with a jury full of public officers, and places them in a public building called a prison for storage as “public property”.

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

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

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

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

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

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

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

“The Constitution, in all its provisions, looks to an indestructible Union, composed of indestructible States.’
Every journey to a forbidden end begins with the first step; and the danger of such a step by the federal government in the direction of taking over the powers of the states is that the end of the journey may find the states so deposed of their powers, or-what may amount to the same thing—so *296 relieved of the responsibilities which possession of the powers necessarily enjoins, as to reduce them to little more than geographical subdivisions of the national domain. It is safe to say that if, when the Constitution was under consideration, it had been thought that any such danger lurked behind its plain words, it would never have been ratified.

[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

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

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

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

2. Destroys the separation of powers between the Judicial and the Executive branches. A franchise court is not in the Judicial Branch of the government, but rather within the Executive Branch as a legislative “franchise court”. In fact, the only remaining true, Article III constitutional Court is the U.S. Supreme Court acting only within its original jurisdiction, the United States Court of International Trade, and United States Court of Appeals for the Federal Circuit. See the following for an exhaustive analysis of this corruption of our court system:

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

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

“And you shall take no bribe, for a bribe blinds the discerning and perverts the words of the righteous.”
[Exodus 23:8, Bible, NKJV]
4. Destroys the separation of powers between the states and federal government.

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

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

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

5. Reduces states to little more than federal corporations and federal territories nearly wholly owned and controlled by the general government as indicated in Carter v. Carter Coal Company above.

6. Places those in the national government into a state of conflicting allegiances, whereby they are tasked with protecting constitutional rights on the one hand, and yet on the other hand devoting all their time to setting up businesses and franchises outside their civil jurisdiction in a foreign state called a state of the Union that DESTROY rights in order to maximize their retirement check and “benefits”. This is a violation of 18 U.S.C. §208. The love of money will always win out over the love of justice, truth, and mercy.

7. Violates the mandate of Constitution Article 4, Section 4 to protect every state from invasion by either other states of the federal government. Any attempt to destroy rights, and especially through compelled participation in franchises, is an invasion in every sense of the word, even though not a physical or military invasion.

U.S. Constitution
Article 4, Section 4.

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

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

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

3 HOW is the straw man created?

The primary method for creating a straw man is the exercise of your right to contract:

1. The “straw man” is the legal “person” who is the subject of the franchise contract.
2. Every exercise of your right to contract creates a new legal “person” within the confines of the contract.
3. The legal “person” created when you contract with a government is treated as a public office.
4. There are two of you:
4.1. The PRIVATE human being.

4.2. The PUBLIC “person” or public officer who is part of the government. This “person” goes by many names, such as “taxpayer” (under the tax code franchise), “citizen” or “resident” (under the domicile civil “protection” franchise), “spouse” (under the family code franchise), “driver” (under the vehicle code franchise).

5. The fact that there are two of you is recognized by the following maxim of law:

“Our du buno juro concurret in und person, aequum est ac si essent in diversis.
When two rights concur in one person, it is the same as if they were in two separate persons.”

[Source: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm]

The TWO rights they are talking about are PRIVATE and PUBLIC.

6. The PUBLIC “person” is the “res” to which all “PUBLIC RIGHTS” attach. It is a STATUS and all franchise rights attach to “statuses”.

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

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

Government Instituted Slavery Using Franchises. Form #05.030
http://sedm.org/Forms/FormIndex.htm

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

---

20 See: Why Domicile and Becoming a “Taxpayer” Require Your Consent. Form #05.002; http://sedm.org/Forms/FormIndex.htm


---

Proof that There Is a “Straw man”
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT:_
1. Involve commercial activity of some kind. A specific commercial activity such as the following forms the basis for the consideration that makes the contract or agreement binding.

1.1. Receipt of a government financial “benefit”.

1.2. Payment of monies to the government or to entities working for the government.

2. Involve agency. The franchise is represented by a “public office” within the government called “person” which is the “res” or subject of the franchise agreement. You become the surety for the “public office” and a “trustee” of the “public trust” as a franchisee. Most franchises also constitute a trust indenture in which you become the trustee of the public trust and a “public officer” by signing up for the franchise.

   “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”

   Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.

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

3. Make a specific type of property transfer lawful that was not previously lawful. That type of transfer is one of the following:

3.1. The conversion of private property into a public use, public purpose, or “public office”. Such a conversion is otherwise a crime called “conversion” which is documented in 18 U.S.C. §654. All franchise agreements authorize control by the government over some type of formerly private property and that control becomes the consideration that the government receives for consenting to allow you to participate and receive the government “benefits”.

3.2. The payment of public funds and tax monies to private persons who are not working for the government and who provided no consideration in return. In other words, the government cannot abuse its taxing power to transfer wealth between private persons and thereby act as a Robin Hood. If it does, it is violating the requirement for equal protection that is the foundation of the Constitution as well as becoming a THIEF.

3.3. Payment of monies to the government. It is illegal to bribe a public official. 18 U.S.C. §201. Monies paid to the government by private persons in the guise of “social insurance” premiums are a bribe to a public official if paid by a private person, but suddenly become lawful if the payor is another public official and he is compensating the government for a deferred retirement benefit as “federal personnel” such as that described in 5 U.S.C. §552(a)(13)

Examples of franchises that constitute “public offices” include:

1. Domicile in the forum state, which causes one to end up being one of the following types of “privileged” entities and a “taxpayer” in the case of the federal government. All “taxpayers” are public officers within the Internal Revenue Code,Subtitle A engaged in the “trade or business” franchise.


26 United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S Ct 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osse (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1225).


1.2. Statutory "U.S. resident" pursuant to 26 U.S.C. §7701(b)(1)(A) if a foreign national.

Domicile is a "protection franchise", and the terms of that franchise are exhaustively documented below:

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

2. Becoming a registered "voter" rather than an "elector". Electors are sovereign but "registered voters" and their real property can lawfully become surety for the debts of the local government. In effect, the government imposes a "poll tax" upon registered voters as consideration for participating in the "voting" franchise.

3. Becoming a notary public. This makes the applicant into a "public official" commissioned by the state government.

Chapter 1
Introduction
§1.1 Generally

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


4. Becoming an officer of a corporation. All officers of corporations are "public officers" within the government that the corporation was registered with.

5. I.R.C. §501(c)(3) status for churches. Churches that register under this program become government "trustees" and "public officers" that are part of the government. Is THIS what you call "separation of church and state"? See:
http://famguardian.org/Subjects/Spirituality/spirituality.htm

6. Serving as a jurist. 18 U.S.C. §201(a)(1) says that all persons serving as federal jurists are "public officials".

7. Attorney licenses. All attorneys are "officers of the court" and the courts in turn are part of the government. See:
http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDon'tWantAnAtty/WhyYouDon'tWantAnAttorney.htm

8. Marriage licenses. Marriage licenses are a three party contract between the spouses and the government and make the husband and wife into wards of the government and polygamists. They also convey jurisdiction to the government to regulate that which is otherwise a private relation. See:
Sovereign Christian Marriage, Form #13.009
http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm

9. Driver's licenses. All "drivers" are public officers engaged in commercial activity as agents of the government and who are using public property, meaning the public roads, for exclusively public gain. See:
Defending Your Right to Travel, Form #06.010
http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm

10. Professional licenses.
11. Fishing licenses.
12. Social Security benefits. See:
http://sedm.org/Forms/10-Emancipation/STrustIndenture.pdf
15. FDIC insurance of banks. 31 C.F.R. §202.2 says all FDIC insured banks are "agents" of the federal government and therefore "public officers".
16. Patents.
17. Copyrights.

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

Res. Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions...
of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

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


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

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

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

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private.

Thorpe v. R. & B. Railroad Co., 27 Vt. 143: but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere tuo ut alienum non lades. From this source come the police powers, which, as was said by Mr. Chief Justice Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent in every sovereignty, . . . that is to say, . . . the power to govern men and things."

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

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

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


Therefore, franchises are the method by which public offices are REGULATED but not CREATED. Fooling you into occupying a public office illegally is the method by which they make the regulation of otherwise EXCLUSIVELY PRIVATE conduct at least LOOK lawful. Without this “identity laundering” or “identity THEFT”, as we call it, their regulation of EXCLUSIVELY PRIVATE conduct would be unlawful. The following legal treatise proves with evidence
that the only thing that de jure government can lawfully legislative for are its own officers, contractors, and agents, all of whom entered into that relation by exercising their right to contract:

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

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

1. Signing up to procure a license of some kind, such as:
   1.1. Professional licenses.
   1.2. Business licenses.
   1.3. Driver licenses.
   1.4. Marriage licenses.
2. Signing an application for government “benefits”. See:
   **The Government “Benefits” Scam**, Form #05.040
   http://sedm.org/Forms/FormIndex.htm
3. LOANING rather than GIFTING government property to you. A “public officer” is, after all, someone who is in the temporary control and custody of PUBLIC property:

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

4. Possessing or using government property such as a government identifying number and thereby becoming a transferee, trustee, and fiduciary over such property.
   4.1. 20 C.F.R. §422.103(d) says the Social Security Number and card belongs to the government and not the holder.
   4.2. The back of the Social Security Card says the card belongs to the government and not the holder and must be returned upon request.

   Figure 1: Social Security Card: Back
Notice that the authority of the government to penalize you derives from the franchise contract, as evidenced by the back of the Social Security Card above. It would otherwise constitute an unlawful bill of attainder for an administrative agency of the government to penalize an otherwise PRIVATE citizen:

**Bill of attainder.** Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial. United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a “bill of attainder” when the punishment is death and a “bill of pains and penalties” when the punishment is less severe; both kinds of punishment fall within the scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress);’ Art. I, Sec, 10 (as to state legislatures).


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

U.C.C. 9-102 (80)

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


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

(44) “Goods” means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals (human beings), (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.
Some of the terms used in U.C.C. §9-102 are defined in dictionaries as follows:

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

Transmit. To send or transfer from one person or place to another, or to communicate. State v. Robbins, 253 N.C. 47, 116 S.E.2d. 192, 193.

“Transmitting Utility” we define as follows:

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

Whenever you affix your autograph to a contract, the Uniform Commercial Code, Sections 3-401, 3-402, and 3-419 cause you to be the “accommodation party”, which means the surety for the transaction or instrument.

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

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

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

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

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

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

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

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

"All persons in the United States are chargeable with knowledge of the Statutes-at-Large...[I]t is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority."

[Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981)]

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

[Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869)]

But it must be remembered that all are presumed to know the law, and that whoever deals with a municipality*643 is bound to know the extent of its powers. Those who contract with it, or furnish it supplies, do so with reference to the law, and must see that limit is not exceeded. With proper care on their part and on the part of the representatives of the municipality, there is no danger of loss."


It is one of the fundamental maxims of the common law that ignorance of the law excuses no one. If ignorance of the law could in all cases be the foundation of a suit in equity for relief, there would be no end of litigation, and the administration of justice would become in effect impracticable.

[Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905)]

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

Uniform Commercial Code

Section 1-308

Performance or Acceptance Under Reservation of Rights

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

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

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


Qui tacet consentire videtur.

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

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

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

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

[Confucius]

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

Proof that There Is a “Straw man” 52 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013 EXHIBIT:_______
4 WHY was the straw man created?

4.1 Government can’t lawfully impose duties upon private parties

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

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

United States Constitution
Thirteenth Amendment - Slavery And Involuntary Servitude

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

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

The Thirteenth Amendment applies EVERYWHERE, including on federal territory:

"That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage; the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary slavery, of whatever class or name."
[Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

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

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

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

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

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."
[Declaration of Independence]
Consequently, the government is without moral or lawful authority to write law that imposes ANY kind of duty or obligation against you other than simply avoiding injuring the equal rights of other fellow sovereign Americans:

"Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which is to avoid hurting your neighbor and thereby love him]."

[Romans 13:9-10, Bible, NKJV]

"Do not strive with a man without cause, if he has done you no harm."

[Prov. 3:30, Bible, NKJV]

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

[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

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

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

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

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

**Requirement for Consent, Form #05.003**

[http://sedm.org/Forms/FormIndex.htm]

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

"The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnance in conferring on one government [THE FEDERAL]..."
GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control."

[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886)]

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

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

“The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy.”

[Providenace Bank v. Billings, 29 U.S. 514 (1830)]

“Having thus avowed my disapproval of the purposes, for which the terms, State and sovereign, are frequently used, and of the object, to which the application of the last of them is almost universally made; it is now proper that I should disclose the meaning, which I assign to both, and the application, [2 U.S. 419, 455] which I make of the latter. In doing this, I shall have occasion incidentally to evince, how true it is, that States and Governments were made for [and BY] man; and, at the same time, how true it is, that his creatures and servants have first deceived, next vilified, and, at last, oppressed their master and maker.”

[Justice Wilson, Chisholm v. Georgia, 2 Dall. (2 U.S.) 419, 1 L.Ed. 440, 455 (1793)]

4.2 Government can’t lawfully pay public monies to private parties

“All systems either of preference or of restraint, therefore, being thus completely taken away, the obvious and simple system of natural liberty establishes itself of its own accord. Every man, as long as he does not violate the laws of justice, is left perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition with those of any other man or order of men. The sovereign is completely discharged from a duty, in the attempting to perform which he must always be exposed to innumerable delusions, and for the proper performance of which no human wisdom or knowledge could ever be sufficient: the duty of superintending the industry of private people.”

[Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations (1776)]

We will prove in this section that:

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

2. Because of these straight jacket constraints of the use of “public funds” by the government, the government can only lawfully make payments or pay “benefits” to persons who have contracted with them to render specific services that are authorized by the Constitution to be rendered.

3. The government had to create an intermediary called the “straw man” that is a public office or agent within the government and therefore part of the government that they could pay the “benefit” to in order to circumvent the restrictions upon the government from abusing its powers to transfer wealth between private individuals.

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

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

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

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

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

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

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

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

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

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

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

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

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

Black’s Law Dictionary also defines the word “tax” as follows:

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

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT: _______
A pecuniary [relating to money] burden laid upon individuals or property to support the government, and is a payment exacted by legislative authority. In re Mytinger, D.C.Tex. 31 F.Supp. 977,978,979. Essential characteristics of a tax are that it is NOT A VOLUNTARY PAYMENT OR DONATION, BUT AN ENFORCED CONTRIBUTION, EXACTED PURSUANT TO LEGISLATIVE AUTHORITY. Michigan Employment Sec. Commission v. Patt, 4 Mich.App. 228, 144 N.W.2d 663, 665. [Black’s Law Dictionary, Sixth Edition, p. 1457]

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

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

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

1. Theft and robbery by the government in the guise of “taxation”
2. Government by decree rather than by law
3. Tyranny
4. Socialism
5. Mob rule and a tyranny by the “have-nots” against the “haves”
6. 18 U.S.C. §241: Conspiracy against rights. The IRS shares tax return information with states of the union, so that both of them can conspire to deprive you of your property.
7. 18 U.S.C. §242: Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it appear like they have the authority to just STEAL these people’s property for a fabricated tax debt that they aren’t even legally liable for.
8. 18 U.S.C. §247: Damage to religious property; obstruction of persons in the free exercise of religious beliefs
10. 18 U.S.C. §876: Mailing threatening communications. This includes all the threatening notices regarding levies, liens, and idiotic IRS letters that refuse to justify why government thinks we are “liable”.
11. 18 U.S.C. §880: Receiving the proceeds of extortion. Any money collected from Americans through illegal enforcement actions and for which the contributors are not “liable” under the law is extorted money, and the IRS is in receipt of the proceeds of illegal extortion.
12. 18 U.S.C. §1581: Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate in the federal donation program identified under subtitle A of the I.R.C.
13. 18 U.S.C. §1583: Enticement into slavery. IRS tries to enlist “nontaxpayers” to rejoin the ranks of other peons who pay taxes they aren’t demonstrably liable for, which amount to slavery.
14. 18 U.S.C. §1589: Forced labor. Being forced to expend one’s personal time responding to frivolous IRS notices and pay taxes on my labor that I am not liable for.

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

“The Legislature may enjoin, permit, forbid, and punish; they may declare new crimes; and establish rules of conduct for all its citizens in future cases; they may command what is right, and prohibit what is wrong; but
they [the government] cannot change innocence [a “nontaxpayer”] into guilt [a “taxpayer”]; or punish
innocence as a crime [criminally prosecute a “nontaxpayer”] for violation of the tax laws; or violate the right
of an antecedent lawful private contract; or the right of private property. To maintain that our Federal, or
State, Legislature possesses such powers [of THEFT and FRAUD], if they had not been expressly restrained;
would, *389 in my opinion, be a political heresy, altogether inadmissible in our free republican
governments.

[Calder v. Bull, 3 U.S. 386 (1798)]

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

1. The Constitution DOES NOT authorize the government to “gift” money to anyone within states of the Union or in
foreign countries, and therefore, this is not a Constitutional use of public funds, nor does unauthorized expenditure of
such funds produce a tangible public benefit, but rather an injury, by forcing those who do not approve of the gift to
subsidize it and yet not derive any personal benefit whatsoever for it.

2. The Supreme Court identifies such abuse of taxing powers as “robbery in the name of taxation” above.

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

<table>
<thead>
<tr>
<th>#</th>
<th>Characteristic</th>
<th>Public use/purpose</th>
<th>Private use/purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Authority for tax</td>
<td>U.S. Constitution</td>
<td>Legislative fiat, tyranny</td>
</tr>
<tr>
<td>2</td>
<td>Monies collected described by Supreme Court as</td>
<td>Legitimate taxation</td>
<td>“Robbery in the name of taxation” (see Loan Assoc. v. Topeka, above)</td>
</tr>
<tr>
<td>3</td>
<td>Money paid only to following parties</td>
<td>Federal “employees”, contractors, and agents</td>
<td>Private parties with no contractual relationship or agency with the government</td>
</tr>
<tr>
<td>4</td>
<td>Government that practices this form of taxation is</td>
<td>A righteous government</td>
<td>A THIEF</td>
</tr>
<tr>
<td>5</td>
<td>This type of expenditure of revenues collected is:</td>
<td>Constitutional</td>
<td>Unconstitutional</td>
</tr>
<tr>
<td>6</td>
<td>Lawful means of collection</td>
<td>Apportioned direct or indirect taxation</td>
<td>Voluntary donation (cannot be lawfully implemented as a “tax”)</td>
</tr>
<tr>
<td>7</td>
<td>Tax system based on this approach is</td>
<td>A lawful means of running a government</td>
<td>A charity and welfare state for private interests, thieves, and criminals</td>
</tr>
<tr>
<td>8</td>
<td>Government which identifies payment of such monies as mandatory and enforceable is</td>
<td>A righteous government</td>
<td>A lying, thieving government that is deceiving the people.</td>
</tr>
<tr>
<td>9</td>
<td>When enforced, this type of tax leads to</td>
<td>Limited government that sticks to its corporate charter, the Constitution</td>
<td>Socialism</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Mafia protection racket</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Organized extortion</td>
</tr>
<tr>
<td>10</td>
<td>Lawful subjects of Constitutional, federal taxation</td>
<td>Taxes on imports into states of the Union coming from foreign countries. See Constitution, Article 1, Section 8, Clause 3 (external) taxation.</td>
<td>No subjects of lawful taxation. Whatever unconstitutional judicial fiat and a deceived electorate will tolerate is what will be imposed and enforced at the point of a gun</td>
</tr>
<tr>
<td>11</td>
<td>Tax system based on</td>
<td>Private property VOLUNTARILY donated to a public use by its exclusive owner</td>
<td>All property owned by the state, which is FALSELY PRESUMED TO BE EVERYTHING. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.</td>
</tr>
</tbody>
</table>
The U.S. Supreme Court also helped to clarify how to distinguish the two above categories when it said:

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

[Loan Association v. Topeka, 20 Wall. 655 (1874)]

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

2. Social Security.
3. Unemployment compensation.
4. Medicare.

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

\[\text{TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a} \]
\[\text{§ 552a. Records maintained on individuals} \]
\[\text{(a) Definitions.— For purposes of this section—} \]
\[\text{(13) the term “Federal personnel” means officers and employees of the Government of the United States, members of the uniformed services (including members of the Reserve Components), individuals entitled to receive immediate or deferred retirement benefits under any retirement program of the Government of the United States (including survivor benefits).} \]

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

\[\text{TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a} \]
\[\text{§ 552a. Records maintained on individuals} \]
\[\text{(a) Definitions.— For purposes of this section—} \]
\[\text{(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence;} \]

The “citizen of the United States” they are talking above is based on the statutory rather than constitutional definition of the “United States”, which means it refers to the federal zone and excludes states of the Union. Also, note that both of the two preceding definitions are found within Title 5 of the U.S. Code, which is entitled “Government Organization and Employees”. Therefore, it refers ONLY to government employees and excludes private employees. There is no definition of the term “individual” anywhere in Title 26 (I.R.C.) of the U.S. Code or any other title that refers to private natural persons, because Congress cannot legislative for them. Notice the use of the phrase “private business” in the U.S. Supreme Court ruling below:
The individual may stand upon his constitutional rights as a citizen. **He is entitled to carry on his private business in his own way [unregulated by the government]. His power to contract is unlimited. He owes no duty to the State or to his neighbor to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the State, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land antecedent to the organization of the State, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself; and the immunity of himself and his property from arrest or seizure except under a warrant of the law. **He owes nothing to the public (including so-called “taxes” under Subtitle A of the I.R.C.) so long as he does not trespass upon their rights.**

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

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

> **The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.**


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

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d35eea9f290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab_02.tpl

Another very important point to make here is that the purpose of nearly all federal law is to regulate “public conduct” rather than “private conduct”. Congress must write laws to regulate and control every aspect of the behavior of its employees so that they do not adversely affect the rights of private individuals like you, who they exist exclusively to serve and protect. Most federal statutes, in fact, are exclusively for use by those working in government and simply do not apply to private citizens in the conduct of their private lives. Federal law cannot apply to the private public at large because the Thirteenth Amendment says that involuntary servitude has been abolished. If involuntary servitude is abolished, then they can't use, or in this case “abuse” the authority of law to impose ANY kind of duty against anyone in the private public except possibly the responsibility to avoid hurting their neighbor and thereby depriving him of the equal rights he enjoys.

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

> **Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law [which is to avoid hurting your neighbor and thereby love him].**

[Romans 13:9-10, Bible, NKJV]

> **“Do not strive with a man without cause, if he has done you no harm.”**

[Prov. 3:30, Bible, NKJV]

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

> **“With all [your] blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens—**a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.”**

[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

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

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

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


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

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

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

Below is the definition of “public office”:

Public office

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


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

"As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal

financial gain from a discharge of their trusts. That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.

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

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

“Corporations are also of all grades, and made for varied objects; all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. It is a fundamental principle of the common law of England, that the term freemen of the kingdom, includes ‘all persons,’ ecclesiastical and temporal, incorporate, politque 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.

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

“My son, if sinners [socialists, in this case] entice you,
Do not consent [do not abuse your power of choice]
If they say, “Come with us,
Let us lie in wait to shed blood [of innocent “nontaxpayers”];
Let us lurk secretly for the innocent without cause;
Let us swallow them alive like Sheol,
And whole, like those who go down to the Pit:
We shall fill our houses with spoil [plunder];
Cast in your lot among us,
Let us all have one purse [share the stolen LOOT]”--

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

My son, do not walk in the way with them [do not ASSOCIATE with them and don’t let the government FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a "U.S. citizen"]:

Keep your foot from their path;
For their feet run to evil,
And they make haste to shed blood.
Surely, in vain the net is spread
In the sight of any bird;
But they lie in wait for their own blood.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain [or unearned government benefits];
It takes away the life of its owners.”

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

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

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

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

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

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

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

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

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

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

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

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

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

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

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

“No one can serve two masters [two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”

[Luke 16:13, Bible, NKJV. Written by a tax collector]

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

“The” + “IRS” = “THEIRS”

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

“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S. 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616-617 (1973).”


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

“In the general course of human nature, A POWER OVER A MAN’s SUBSISTENCE AMOUNTS TO A POWER OVER HIS WILL.”

[Alexander Hamilton, Federalist Paper No. 79]

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

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

[IRS Form 1042-S Instructions, p. 14]
1. Acting as an employment recruiter for the federal government.
3. Involved in a conspiracy to commit grand theft by stealing money from you to pay for services and protection you don’t want and don’t need.
5. Involved in money laundering for the federal government, by sending in money stolen from you to them, in violation of 18 U.S.C. §1956.

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

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

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

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

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


I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw her, I marveled with great amazement."

[Rev. 17:3-6, Bible, NKJV]

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

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

[Rev. 17:1-2, Bible, NKJV]

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

“The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues.”

[Rev. 17:13, Bible, NKJV]

The Beast is then defined in Rev. 19:19 as “the kings of the earth”, which today would be our political rulers:
Babylon the Great Harlot is “fornicating” with the government by engaging in commerce with it. Black’s Law Dictionary defines “commerce” as “intercourse”:

“Commerce. ...Intercourse by way of trade and traffic between different peoples or states and the citizens or inhabitants thereof, including not only the purchase, sale, and exchange of commodities, but also the instrumentalities [governments] and agencies by which it is promoted and the means and appliances by which it is carried on...”


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

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

[Rev. 18:4-8, Bible, NKJV]

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

1. It is an abuse of the government’s taxing power, according to the U.S. Supreme Court, to pay public monies to private persons or to use the government’s taxing power to transfer wealth between groups of private individuals.
2. Because of these straight jacket constraints of the use of “public funds” by the government, the government can only lawfully make payments or pay “benefits” to persons who have contracted with them to render specific services that are authorized by the Constitution to be rendered.
3. The government had to create an intermediary called the “straw man” that is a public office or agent within the government and therefore part of the government that they could pay the “benefit” to in order to circumvent the restrictions upon the government from abusing its powers to transfer wealth between private individuals.
4. The straw man is a “public office” within the U.S. government. It is a creation of Congress and an agent and fiduciary of the government subject to the statutory control of Congress. It is therefore a public entity and not a private entity which the government can therefore lawfully pay public funds to without abusing its taxing powers.
5. Those who sign up for government contracts, benefits, franchises, or employment agree to become surety for the straw man or public office and agree to act in a representative capacity on behalf of a federal corporation in the context of all the duties of the office pursuant to Federal Rule of Civil Procedure 17(b).
6. Because the straw man is a public office, you can’t be compelled to occupy the office. You and not the government set the compensation or amount of money you are willing to work for in order to consensually occupy the office. If you don’t think the compensation is adequate, you have the right to refuse to occupy the office by refusing to connect your assets to the office using the de facto license number for the office called the Taxpayer Identification Number.

4.3 Government can’t lawfully maintain records on private parties without violating their Fourth Amendment Rights

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

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

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

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

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

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

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

Criminal code. “Property” means anything of value, including real estate, tangible and intangible personal property, contract rights, choses-in-action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal Code. Q.223.0. See also Property of another, infra. Dsts. Under definition in Restatement, Second, Trusts, Q 2(c), it denotes interest in things and not the things themselves.


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

1. All Currency Transaction Reports (CTRs), IRS Form 8300 completed by banks in the ordinary course of their business may only lawfully be completed against those that the bank or financial institution has reason to believe are engaging in a “public office” within the government.

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

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

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

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

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

(11) Trade or business. The term trade or business has the same meaning as under section 162 of title 26, United States Code.
26 U.S.C. Sec. 7701(a)(26)

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

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

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

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

31 C.F.R. 103.30(d)(2) General

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

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

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

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

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

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

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

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

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

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

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

"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S. 251, 275, 38 S.Ct. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal affairs of the states; and emphatically not with regard to legislation."

[Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

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

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

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

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

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

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

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

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

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

“Incorporated [e.g. PUBLIC] banks, like other organizations, have no privilege against compulsory self-incrimination, e.g., Hale v. Henkel, 201 U.S. 43, 74-75, 26 S Ct. 370, 378-379, 50 L Ed. 652 (1906); Wilson v. United States, 221 U.S. 361, 382-384, 31 S Ct. 538, 545-546, 55 L Ed. 771 (1911); United States v. White, 322 U.S. 694, 699, 64 S Ct. 1248, 1251, 88 L Ed. 1542 (1944). Since a party incriminated by evidence produced by a third party sustains no violation of his own Fifth Amendment rights, Johnson v. United States, 228 U.S. 457, 458, 33 S Ct. 572, 57 L Ed. 919 (1913); Couch v. United States, 409 U.S., at 328, 93 S Ct., at 615, the depositor plaintiff here present no meritorious Fifth Amendment challenge to the recordkeeping requirements.”

[California Bankers Ass’n v. Shultz, 416 U.S. 21, 94 S.Ct. 1494 (U.S.Cal. 1974)]

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

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

[California Bankers Ass’n v. Shultz, 416 U.S. 21, 94 S Ct. 1494 (U.S.Cal. 1974)]

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

Proof that There Is a “Straw man”
“We proceed then to consider the initial contention of the bank plaintiffs that the recordkeeping requirements imposed by the Secretary's regulations under the authority of Title I deprive the banks of due process by imposing unreasonable burdens upon them, and by seeking to make the banks the agents of the Government in surveillance of its citizens.”

[California Bankers Ass'n v. Shultz, 416 U.S. 21, 94 S.Ct. 1494 (U.S. Cal. 1974)]

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

TITLE 31--MONEY AND FINANCE: TREASURY
CHAPTER 2--FISCAL SERVICE, DEPARTMENT OF THE TREASURY
PART 202, DEPOSITARIES AND FINANCIAL AGENTS OF THE FEDERAL GOVERNMENT

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

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

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

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

(b) In order to be eligible for designation, a financial institution is required to possess, under its charter and the regulations issued by its chartering authority, either general or specific authority to perform the services outlined in Sec. 202.3(b). A financial institution is required also to possess the authority to pledge collateral to secure public funds.

Once the banks sign up for FDIC insurance, then they become statutory “persons” within the meaning of federal law and thereby become liable for all the regulations that go with being such a “public officer” and agent of the government, including the requirement to comply with the Bank Secrecy Act. This was recognized by the Supreme Court when it held the following. Notice that they say that they didn’t have to address the matter of due process violation because all the banks were participating in the FDIC insurance franchise. Those that weren’t participating would be “private banks”, while all those that were participating essentially became “public officers” within the government who therefore forfeited their constitutional protections in exchange for privileges:

“The bank plaintiffs somewhat halfheartedly argue, on the basis of the costs which they estimate will be incurred by the banking industry in complying with the Secretary's recordkeeping requirements, that this cost burden alone deprives them of due process of law. They cite no cases for this proposition, and it does not warrant extended treatment. In its complaint filed in the District Court, plaintiff Security National Bank asserted that it was an 'insured' national bank; to the extent that Congress has acted to require records on the part of banks insured by the Federal Deposit Insurance Corporation, or of financial institutions insured under the National Housing Act, Congress is simply imposing a condition on the spending of public funds. See, e.g., Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937). Since there was no allegation in the complaints filed in the District Court, and since it is not contended here that any bank plaintiff is not covered by FDIC or Housing Act insurance, it is unnecessary to consider what questions would arise had Congress relied solely upon its power over interstate commerce to impose the recordkeeping requirements. The cost burdens imposed on the banks by the recordkeeping requirements are far from unreasonable, and we hold that such burdens do not deny the banks due process of law.\fn22\n
\fn22\n
The only figures in the record as to the cost burden placed on the banks by the recordkeeping requirements show that the Bank of America, one of the largest banks in the United States, with 997 branches, $29 billion in deposits, and a net income in excess of $178 million (Moody's Bank and Finance Manual 633-636 (1972)), expended $392,000 in 1971, including start-up costs, to comply with the microfilming requirements of Title I of the Act. Affidavit of William Ehler, App. 24-25. The hearings before the House Committee on Banking and Currency indicated that the cost of making microfilm copies of checks ranged from 1/2 mills per check for small banks down to about 1/2 mill or less for large banks. See House Hearings, supra, n. 1, at 341, 354-356;
Consequently, by participating in a government FDIC insurance franchise, the banks become agents and officers of the government, and the legal “person” created by that agency then became a subject of legislation later used to destroy the privacy of depositors and turn the banks literally into SPIES for the government without compensation.

If may also interest you that many banks were FORCED to become FDIC insured or to become so-called “Federal Reserve Banks” subject to government regulation. The Automated Clearing House (ACH) which clears interstate and international bank transactions is controlled by the Federal Reserve. When banks want to remain private and boycott either FDIC insurance or becoming a Federal Reserve Bank, they are maliciously told by the Federal Reserve that NONE of their financial transactions will be cleared, leaving them unable to function in the commercial marketplace. Hence, the power to literally destroy PRIVATE banks lies in the hand of the Federal Reserve, and this very power and the MAFIA extortion it represents, is the main reason why any bank would become a Federal Reserve bank or “public officer” straw man subject to federal law to begin with. This same tactic was used in the FACTA Act (Pub. L. 108-159, 111 Stat. 1952) against foreign or international banks. They were told that their transactions would not be cleared unless they FORCED their American depositors to become “U.S. persons” and fill out a W-9. More mafia extortion. If you don’t believe us, ask your banker.

All of this was done by the government as a method to expand its tax revenues still further to private persons who would otherwise be beyond its reach. In effect, it was a conspiracy against the private right to privacy in the name of the almighty tax dollar. The ultimate consequence would also cause many private depositors ultimately to become unlawfully connected to the government “trade or business” franchise by those filling out Currency Transaction Reports against depositors who are not actually engaged in a public office in the U.S. government. We don’t have any facts to back up the proposition below, but we’ll bet dollars to donuts also based on the case above that:

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

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

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

1. The government had to create the straw man, who is a franchisee and an officer of the government, in order to be able to invade the privacy and activities of private persons who are otherwise beyond their legislative reach.
2. Those who partake in federal franchises such as FDIC insurance become officers and agents of the government who can lawfully have duties imposed by law upon them without compensation, such as the requirement to become a spy for the government within the Bank Secrecy Act. Such duties are not a violation of due process of law or slavery because the performance of said duties amount to the “consideration” incident to a government franchise that they are participating in.
3. Those who do business with others participating in government franchises, such as “national banks” participating in FDIC insurance franchises, may at times unwittingly surrender their right to privacy. In the California Bankers case above, that meant the bank depositors lost their privacy because they were indirect beneficiaries of the FDIC insurance franchise. Loss of privacy therefore became the consideration that depositors paid for the “privilege” of having their deposits protected by FDIC insurance. That loss of privacy consisted of:

Proof that There Is a “Straw man”
3.1. Having usually FALSE Currency Transaction Reports (CTRs), IRS Form 8300 filed against them by ignorant bank employees who have not been educated on what a “trade or business” is.

3.2. Having their personal checks photocopied and microfilmed and later being subject to legal discovery and for use in criminal prosecutions of depositors.

4. If you want privacy, then you:

4.1. Can’t participate in government franchises

4.2. Can’t do business with those who participate in government franchises.

4.3. Must surrender all rights to receive any benefit from such things as government insurance.

4.4. Must educate bank clerks that you are not engaged in the “trade or business” franchise and therefore may not lawfully become the subject of Currency Transaction Reports (CTRs). IRS Form 8300. See: Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report, Form #04.008 http://sedm.org/Forms/FormIndex.htm

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

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

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

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

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

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

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

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

The U.S. Supreme Court also agrees that the essence of the “property” right is the RIGHT TO EXCLUDE others from using or benefitting from the use of the property:

“We have repeatedly held that, as to property reserved by its owner for private use, ‘the right to exclude [others is] one of the most essential sticks in the bundle of rights that are commonly characterized as property.’” Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 433 (1982), quoting Kaiser Aetna v. United States, 444 U.S. 164, 176 (1979). “

[Nollan v. California Coastal Comm’n, 483 U.S. 825 (1987)]
In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the property right, falls within this category of interests that the Government cannot take without compensation. [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]


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

“...the right to exclude, so universally held to be a fundamental element of the property right...”


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

The right to exclude others from using one’s property extends to EVERY other legal “person”, whether artificial or natural, and certainly includes the government itself as a legal “person”. The whole notion of a free government is equal protection.
Nemo dat qui non habet. No one can give who does not possess. Jenk. Cent. 250.

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

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

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

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

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

What a man cannot possum, he cannot bind by articles [the Constitution]. [Bouvier’s Maxims of Law, 1856]

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

1. Donating it to a public use. This includes applying for a license or participating in a franchise in which you donate property connected to the franchise to a public use, such as by connecting it with the franchise license number, the Taxpayer Identification Number or Social Security Number. . . OR

2. Using the property to hurt the equal rights of others.

The above are confirmed by the following:

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

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

1. Compelling you to participate in government franchises that make you into a public officer. Example: Driver’s license and laws that punish people for driving without a license.

2. Trickling you into representing a public officer in the government by indicting or enforcing against the public officer and pretending that you are such officer until you rebut them.

3. Forcing you to connect the property to franchises using compelled government identification numbers.

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


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

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

**Invisible Contracts. George Mercier**  
[http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/GeorgeMercier.htm](http://famguardian.org/PublishedAuthors/Indiv/MercierGeorge/GeorgeMercier.htm)

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

Quod meum est sine me auferri non potest.

Id quod nostrum est, sine facto nostro ad alium transferi non potest.
What belongs to us cannot be transferred to another without our consent. Dig. 50, 17, 11. But this must be understood with this qualification, that the government may take property for public use, paying the owner its value. The title to property may also be acquired, with the consent of the owner, by a judgment of a competent tribunal.

[Bowyer’s Maxims of Law, 1856;  
SOURCE: [http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm](http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm)]
It is also a maxim of law that you cannot be compelled to surrender your rights and that anything you consent to under the influence of duress is not law and creates no obligation on your part:

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

> Non videtur consensus retinuisse si quis ex praescripto minantis aliquid immutavit.
> He does not appear to have retained his consent, if he have changed anything through the means of a party threatening. Bacon's Max. Reg. 33.

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

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

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

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

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

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

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

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

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

> “All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals.”

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

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

5.1 How the straw man is created and gets his “clothes”

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

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

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

Therefore, the straw man’s “clothing” is “a public interest” and he cannot exist without clothing. There is no such thing as a “naked straw man”. That “public interest” is also called a “franchise”:

“Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office. Corporations, or bodies politic are the most usual franchises known to our laws.”

[People v. Ridgley, 21 Ill. 65, 1859 W.L. 6687, 11 Peck 65 (Ill., 1859)]

Here is an example of this phenomenon from the vehicle code of one state, in which they recognize travelling WITH A MOTOR VEHICLE as an activity infected with “the public interest”:

Hawaii Revised Statutes
Title 15: Transportation and Utilities
§271-1 Declaration of policy. The legislature of this State recognizes and declares that the transportation of persons and property, for commercial purposes, over the public highways of this State constitutes a business affected with the public interest. It is intended by this chapter to provide for fair and impartial regulation of such transportation in the interest of preserving for the public the full benefit and use of the highways consistent with the public safety and the needs of commerce; to promote safe, adequate, economical, and efficient service and foster sound economic conditions in transportation and among the several carriers, to encourage the establishment and maintenance of reasonable rates and charges for transportation and related accessorial service, without unjust discrimination, undue preference or advantage, or unfair or destructive competitive practices. This chapter shall be administered and enforced with a view to carrying out the above declaration of policy. [L 1961, c 121, pt of §2; Supp, §106C-1; HRS §271-1]


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

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

[Budd v. People of State of New York, 143 U.S. 517 (1892)]
The above rules are summarized below:
Table 2: Rules for converting private property to a public use or a public office

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

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

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

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

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

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

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

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

http://sedm.org

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

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

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

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

---

26 C.F.R. §31.3401(a)-3

(a) In general.

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

(b) Remuneration for services.

(1) Except as provided in subparagraph (2) of this paragraph, the amounts referred to in paragraph (a) of this section include any remuneration for services performed by an employee for an employer which, without regard to this section, does not constitute wages under section 3401(a). For example, remuneration for services performed by an agricultural worker or a domestic worker in a private home (amounts which are
specifically excluded from the definition of wages by section 3401(a) (2) and (3), respectively) are amounts with
respect to which a voluntary withholding agreement may be entered into under section 3402(p). See
§§31.3401(c)–1 and 31.3401(d)–1 for the definitions of "employee" and "employer".

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

**About IRS Form W-8BEN, Form #04.202**
FORMS PAGE:  [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)
DIRECT LINK:  [http://sedm.org/Forms/04-Tax/Withholding/W-8BEN/AboutIRSFormW-8BEN.htm](http://sedm.org/Forms/04-Tax/Withholding/W-8BEN/AboutIRSFormW-8BEN.htm)

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

**Federal and State Tax Withholding Options for Private Employers, Form #9.001**
[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

### 5.2 The “straw man” is a public officer and a “fiction of law”

The U.S. Supreme Court acknowledged that a frequent source of unconstitutional activity by government actors is to create
fictitious offices, when it held:

> "An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."
> [Norton v. Shelby County, 118 US 425 (1885)]

An unlawfully created public office is sometimes called a “fiction of law”. All those engaged in franchises are public
officers in the government. The fictitious public office and/or “trade or business” (26 U.S.C. §7701(a)(26)) to which all the
government’s enforcement rights attach is also called a “fiction of law” by some judges. Here is the definition:

> "Fiction of law. An assumption or supposition of law that something which is or may be false is true, or that a state of facts exists which has never really taken place. An assumption [PRESUMPTION], for purposes of justice, of a fact that does not or may not exist. A rule of law which assumes as true, and will not allow to be disproved, something which is false, but not impossible. Ryan v. Motor Credit Co., 30 W.N.J. 531, 23 A.2d 607, 621. These assumptions are of an innocent or even beneficial character, and are made for the advancement of the ends of justice. They secure this end chiefly by the extension of procedure from cases to which it is applicable to other cases to which it is not strictly applicable, the ground of inapplicability being some difference of an immaterial character. See also Legal fiction.”

The key elements of all fictions of law from the above are:

1. A **PRESUMPTION** of the existence or truth of an otherwise nonexistent thing.
2. The presumptions are of an **INNOCENT** or **BENEFICIAL** character.
3. The presumptions are made for the advancement of the ends of justice.
4. All of the above goals are satisfied against **BOTH** parties to the dispute, not just the government. Otherwise the
   constitutional requirement for equal protection and equal treatment has been transgressed.

The fictitious public office that forms the heart of the modern SCAM income tax clearly does not satisfy the elements for
being a “fiction of law” because:

1. All presumptions that violate due process of law or result in an injury to EITHER party affected by the presumption are
   unconstitutional. See:  **Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction**. Form #05.017
   [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)
2. The presumption does not benefit **BOTH** parties to a dispute that involves it. It **ONLY** benefits the government at the
   expense of innocent nontaxpayers and **EXCLUSIVELY** PRIVATE parties.
3. The presumption of the existence of the BOGUS office does NOT advance justice for BOTH parties to any dispute involving it. The legal definition of justice is the RIGHT TO BE LEFT ALONE. The presumption of the existence of the BOGUS office ensures that those who do not want to volunteer for the office but who are the subject of FALSE information returns are NEVER left alone and are continually harassed illegally by the IRS. Here is the legal definition of “justice” so you can see for yourself:

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

Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others. [INCLUDING us] and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual’s respect for his fellows as ends in themselves and as his co-equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition.

. . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual’s own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right.”


Therefore it is clearly a CRUEL FRAUD for any judge to justify his PRESUMPTION of the existence of the BOGUS public office that is the subject of the excise tax by calling it a “fiction of law”.

If you want to see an example of WHY this fiction of law was created as a way to usurp jurisdiction, read the following U.S. Supreme Court cite:

"It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Any thing which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King’s Bench universal in all personal actions."

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: http://scholar.google.com/scholar_case?case=33398936669697439168

The reason for the controversy in the above case was that a bribe occurred on state land by a nonresident domiciled in the state, and therefore that federal law did not apply. In the above case, the court admitted that a “fiction” was resorted to usurp jurisdiction because no legal authority could be found. The fact that the defendant was in custody created the jurisdiction. It didn’t exist before they ILLEGALLY KIDNAPPED him. Notice also that they mention an implied “compact” or contract related to the office being exercised, and that THAT compact was the source of their jurisdiction over the officer who was bribed. This is the SAME contract to which all those who engage in a statutory “trade or business” are party to.

5.3 The State Created Office of “person”

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

[George Bernard Shaw]

This is the single most important lesson that you MUST learn. If you spend an hour to learn this material you will be rewarded for the rest of your life.
The word "person" in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings. See e.g. 1 U.S.C. Sec 1. Church of Scientology v. U.S. Department of Justice (1979), 612 F.2d. 417, 425.

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

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

1. The singular includes the plural and vice versa.
2. Gender-specific language includes the other gender and neuter.
3. The word "person" includes individuals, children, firms, associations, joint adventures, partnerships, eSTATes, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

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

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

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

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

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, if statute prescribes one exception to a general rule or assumes to specify the effects of the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary." [Stenberg v. Carhart, 530 U.S. 914 (2000)].

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

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

When one becomes a member of society, he necessarily parts with some rights or privileges which, as an individual not affected by his relations to others, he might retain. "A body politic, as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good." This does not confer power upon the whole people to control rights which are purely and exclusively private, Thorp v. R. & R. Railroad Co., 27 Yt. 143; but it does authorize the establishment of laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure...
If you carefully read the statute laws enacted by your STATE legislature you will also notice that they are all written with phrases similar to these five examples:

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

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

"Malum prohibitum. A wrong prohibited; a thing which is wrong because prohibited; an act which is not inherently immoral, but becomes so because its commission is expressly forbidden by positive law; an act involving an illegality resulting from positive law. Compare Malum in se. “


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

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

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

13th Amendment

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

14th Amendment:

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

You become a STATE created statutory civil "person", which is a public office and franchise status, by voluntarily taking up “residency” with the STATE and stepping into the office of "person." By “residency”, we mean that you are LEGALLY but not necessarily PHYSICALLY present within the STATE, where the “STATE” is a corporation and not a geographic place. You must hold an "office" within the STATE government in order for that STATE government to CIVILLY regulate and control you. First comes the legislatively created office, then comes their civil control. If you do not have an office in STATE government, the legislature’s civil control over you would also be prohibited by the Declaration of Rights section, usually found to be either Section I or II, of the STATE Constitution.

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

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

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

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

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

They have created the civil office of "person."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"...in common usage, the term "person" does not include the Sovereign, statutes employing the word person are ordinarily construed to exclude the Sovereign."


The idea that the civil word "person" ordinarily excludes the Sovereign can also be traced to the familiar principle that the King is not bound by any act of Parliament unless he be named therein by special and particular words.

[Dollar Savings Bank v. United States, 19 Wall. 227, 239 (1874)]

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

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

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

U. S. Supreme Court Justice Holmes explained:

"A Sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal Right as against the authority that makes the law on which the Right depends."

[Kawananakoa v. Polyblank, 205 U.S. 349, 353, 27 S.Ct. 526, 527, 51 L.Ed. 834 (1907)]

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

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

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

[Justice Wilson, Chisholm v. Georgia, 2 Dall. (2 U.S.) 419, 1 L.Ed. 440, 455 (1793)]

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

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

It will be sufficient to observe briefly, that the Sovereignties in Europe, and particularly in England, exist on feudal
principles. That system considers the prince as the Sovereign, and the people as his subjects; it regards his person as the
object of allegiance, and excludes the idea of his being on an equal footing with a subject, either in a court of justice or
elsewhere. That system contemplates him as being the fountain of honor and authority; and from his grace and grant derives
all franchise, immunities and privileges; it is easy to perceive that such a Sovereign could not be amenable to a court of
justice, or subjected to judicial control and actual constraint. It was of necessity, therefore, that suability, became
incompatible with such Sovereignty. Besides, the prince having all the executive powers, the judgment of the courts would,
in fact, be only monitory, not mandatory to him, and a capacity to be advised, is a distinct thing from a capacity to be sued.
The same feudal ideas run through all their jurisprudence, and constantly remind us of the distinction between the prince
and the subject.

"No such ideas obtain here (speaking of America): at the revolution, the Sovereignty devolved on the people;
and they are truly the Sovereigns of the country, but they are Sovereigns without subjects (unless the African
slaves among us may be so called) and have none to govern but themselves; the citizens of America are equal as
fellow citizens, and as joint tenants in the Sovereignty."
[Chisholm v. Georgia (February Term, 1793) 2 U.S. 419, 2 Dall. 419, 1 L. Ed 440]

There are many ways you can give up your Sovereign power and accept the role of "person." One is by receiving STATE
benefits. Another is by asking permission in the form of a license or permit from the STATE.

One of the subtest ways of accepting the role of "person," is to answer the questions of bureaucrats. When a STATE
bureaucrat knocks on your door and wants to know why your children aren't registered in school, or a police officer pulls
you over and starts asking questions, you immediately fill the office of "person" if you start answering their questions.

It is for this reason that you should ignore or refuse to "answer" their questions and instead act like a true Sovereign, a King
or Queen, and ask only your own questions of them.

You are not a "person" subject to their laws.

If they persist and haul you into their court unlawfully, your response to the judge is simple and direct, you the Sovereign,
must tell him:

"I have no need to answer you in this matter.
It is none of your business whether I understand my Rights or whether I understand your fictitious charges.

It is none of your business whether I want counsel.

The reason it is none of your business is because I am not a person regulated by the STATE. I do not hold any
position or office where I am subject to the legislature. The STATE legislature does not dictate what I do.

I am a free Sovereign "Man"(or woman) and I am a political power holder as lawfully decreed in the STATE
Constitution at article I (or II) and that constitution is controlling over you."

You must NEVER retain or hire an attorney, a STATE officer of the court, to speak or file written documents for you. Use
an attorney (if you must) only for counsel and advice about their "legal" system. If you retain an attorney to represent you
and speak in your place, you become "NON COMPOS MENTIS", not mentally competent, and you are then considered a
ward of the court. You LOSE all your Rights, and you will not be permitted to do anything herein.

The judge knows that as long as he remains in his office, he is backed by the awesome power of the STATE, its lawyers,
police and prisons. The judge will try to force you to abandon your Sovereign sanctuary by threatening you with jail. No
matter what happens, if you remain faithful to your Sovereignty, The judge and the STATE may not lawfully move against
you.
The STATE did not create the office of Sovereign political power holder. Therefore, they do not regulate and control those in the office of Sovereign. They cannot ascribe penalties for breach of that particular office. The reason they have no authority over the office of the Sovereign is because they did not create it and the Sovereign people did not delegate to them any such power.

When challenged, simply remind them that they do not regulate any office of the Sovereign and that their statutes only apply to those STATE employees in legislative created offices.

This Sovereign individual paradigm is explained by the following U.S. Supreme Court case:

"The individual may stand upon his constitutional Rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no such duty [to submit his books and papers for an examination] to the STATE, since he receives nothing therefrom, beyond the protection of his life and property. His Rights are such as existed by the law of the land [Common Law] long antecedent to the organization of the STATE, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his Rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their Rights."

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

Let us analyze this case. It says, "The individual may stand upon his constitutional Rights." It does not say, "Sit on his Rights." There is a principle here: "If you don't use 'em you lose 'em." You have to assert your Rights, demand them, "stand upon" them.

Next it says, "He is entitled to carry on his private business in his own way." It says "private business" - you have a Right to operate a private business. Then it says "in his own way." It doesn't say "in the government's way."

Then it says, "His power to contract is unlimited." As a Sovereign individual, your power to contract is unlimited. In common law there are certain criteria that determine the validity of contracts. They are not important here, except that any contract that would harm others or violate their Rights would be invalid. For example, a "contract" to kill someone is not a valid contract. Apart from this obvious qualification, your power to contract is unlimited.

Next it says, "He owes no such duty [to submit his books and papers for an examination] to the STATE, since he receives nothing therefrom, beyond the protection of his life and property." The court case contrasted the duty of the corporation (an entity created by government permission - feudal paradigm) to the duty of the Sovereign individual. The Sovereign individual doesn't need and didn't receive permission from the government, hence has no duty to the government.

Then it says, "His Rights are such as existed by the law of the land [Common Law] long antecedent to the organization of the STATE." This is very important. The Supreme Court recognized that humans have inherent Rights. The U.S. Constitution (including the Bill of Rights) does not grant us Rights. We have fundamental Rights, irrespective of what the Constitution says. The Constitution acknowledges some of our Rights. And Amendment IX STATES, "The enumeration in the Constitution, of certain Rights, shall not be construed to deny or disparage others retained by the people." The important point is that our Rights antecede (come before, are senior to) the organization of the STATE.

Next the Supreme Court says, "And [his Rights] can only be taken from him by due process of law, and in accordance with the Constitution." Does it say the government can take away your Rights? No! Your Rights can only be taken away "by due process of law, and in accordance with the Constitution." "Due process of law" involves procedures and safeguards such as trial by jury. "Trial By Jury" means, inter alia, the jury judges both law and fact.

Then the case says, "Among his Rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law." These are some of the Rights of a Sovereign individual. Sovereign individuals need not report anything about themselves or their businesses to anyone.

Finally, the Supreme Court says, "He owes nothing to the public so long as he does not trespass upon their Rights." The Sovereign individual does not have to pay taxes.

If you should discuss Hale v. Henkel with a run-of-the-mill attorney, he or she will tell you that the case is "old" and that it has been "overturned." If you ask that attorney for a citation of the case or cases that overturned Hale v. Henkel, there will not be a meaningful response. We have researched Hale v. Henkel and here is what we found:

---

**Proof that There Is a “Straw man”**

Copyright Sovereignty Education and Defense Ministry, [http://sedm.org](http://sedm.org)

Form 05.042, Rev. 8-6-2013

EXHIBIT:____
1. We know that Hale v. Henkel was decided in 1905 in the U.S. Supreme Court.

2. Since it was the Supreme Court, the case is binding on all courts of the land, until another Supreme Court case says it isn’t. Has another Supreme Court case overturned Hale v. Henkel? The answer is NO. As a matter of fact, since 1905, the Supreme Court has cited Hale v. Henkel a total of 144 times. A fact more astounding is that since 1905, Hale v. Henkel has been cited by all of the federal and STATE appellate court systems a total of over 1600 times. None of the various issues of this case has ever been overruled.

So if the STATE through the office of the judge continues to threaten or does imprison you, they are trying to force you into the STATE created office of “person.” As long as you continue to claim your Rightful office of Sovereign, the STATE lacks all jurisdiction over you. The STATE needs someone filling the office of “person” in order to continue prosecuting a case in their courts.

A few weeks in jail puts intense pressure upon most "persons." Jail means the loss of job opportunities, separation from loved ones, and the piling up of debts. Judges will apply this pressure when they attempt to arraign you. When brought in chains before a crowded courtroom the issue of counsel will quickly come up and you can tell the court you are In Propria Persona or simply "PRO PER", as yourself and you need no other. Those who are "pro per" or "pro se" are "representing themself", which means they are representing an officer in the government. Don't ever claim to be "pro se" or "pro per", but rather "sui juris":

“Pro se. For one's own behalf; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court.”

“Sui juris. Of his own right; possessing full social and civil rights; not under any legal disability, or the power of another, or guardianship. Having capacity to manage one’s own affairs; not under legal disability to act for one’s self.”

Do not sign their papers or cooperate with them because most things about your life are private and are not the STATE’s business to evaluate. Here is the Sovereign People’s command in the constitution that the STATE respect their privacy:

Right of privacy -- Every man or woman has the Right to be let alone and free from governmental intrusion into their private life except as otherwise provided herein. This section shall not be construed to limit the public’s Right of access to public records and meetings as provided by law. See U.S. Constitution, Ninth Amendment.

If the judge is stupid enough to actually follow through with his threats and send you to jail, you will soon be released without even being arraigned and all charges will be dropped. You will then have documented prima facie grounds for false arrest and false imprisonment charges against him personally.

Now that you know the hidden evil in the word "person", try to stop using it in everyday conversation. Simply use the correct term, MAN or WOMAN. Train yourself, your family and your friends to never use the derogatory word "person" ever again.

This can be your first step in the journey to get yourself free from all STATE control.

If you would like to learn more about the subject of this section, see:

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

2. **Flawed Tax Arguments to Avoid**, Form #08.004, Section 7.15: Not a “person” or “individual”
   FORMS PAGE: [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)
   DIRECT LINK: [http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf](http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf)

3. **Requirement for Consent, Form #05.003, Section 7.1: Consent** is what creates the “person” or “individual” who is the only proper subject of government civil law
   FORMS PAGE: [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)
   DIRECT LINK: [http://sedm.org/Forms/05-MemLaw/Consent.pdf](http://sedm.org/Forms/05-MemLaw/Consent.pdf)
5.4 Legal Requirements for Occupying a “Public Office”

The subject of exactly what constitutes a “public office” within the meaning described in 26 U.S.C. §7701(a)(26) is not defined in any IRS publication we could find. The reason is quite clear: the “trade or business” scam is the Achilles heel of the IRS fraud and both the IRS and the Courts are loath to even talk about it because there is nothing they can defend themselves with other than unsubstantiated presumption created by the abuse of the word “includes” and certain key “words of art”. Therefore, whose who want to know how they could lawfully be classified as a “public office” will have to answer that question completely on their own, which is what we will attempt to do in this section.

We begin our search with a definition of “public office” from Black’s Dictionary:

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


Black’s Law Dictionary Sixth Edition further clarifies the meaning of a “public office” below:

“Essential characteristics of a ‘public office’ are:
(1) Authority conferred by law,
(2) Fixed tenure of office, and
(3) Power to exercise some of the sovereign functions of government.

Key element of such test is that “officer is carrying out a sovereign function. Spring v. Constantino, 168 Conn. 563. 362 A.2d. 871, 875. Essential elements to establish public position as ‘public office’ are:
Position must be created by Constitution, legislature, or through authority conferred by legislature.
Portion of sovereign power of government must be delegated to position,
Duties and powers must be defined, directly or implied, by legislature or through legislative authority.
Duties must be performed independently without control of superior power other than law, and
Position must have some permanency.”


American Jurisprudence Legal Encyclopedia further clarifies what a “public office” is as follows:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. FG Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. HG That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves, and owes a fiduciary duty to the public. IG It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private

38 United States v. Holzer (CA 7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA 7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).
individually. 39 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.40

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

Ordinary or common-law employees of the government also do not qualify as “public officers”:

Treatise on the Law of Public Offices and Officers
Book 1: Of the Office and the Officer: How Officer Chosen and Qualified
Chapter 1: 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.”41

“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.”42

“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.”43


Based on the foregoing, one cannot be a “public officer” if:

1. There is not a statute or constitutional authority that specifically creates the office. All “public offices” can only be created through legislative authority.
2. Their duties are not specifically and exactly enumerated in some Act of Congress.
3. They have a boss or immediate supervisor. All duties must be performed INDEPENDENTLY.
4. They have anyone but the law and the courts to immediately supervise their activities.
5. They are serving as a “public officer” in a location NOT specifically authorized by the law. The law must create the office and specify exactly where it is to be exercised. 4 U.S.C. §72 says ALL public offices of the federal and national government MUST be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by law.
6. Their position does not carry with it some kind of fiduciary duty to the “public” which in turn is documented in and enforced by enacted law itself.
7. The beneficiary of their fiduciary duty is other than the “public”. Public service is a public trust, and the beneficiary of the trust is the public at large and not any one specific individual or group of individuals. See 5 C.F.R. §2635.101(b) and Executive Order 12731.

42 Opinion of Judges, 8 Greenl. (Me.) 481.
43 Throop v. Langdon, 40 Mich. 678, 682; “An office is a public position created by the constitution or law, continuing during the pleasure of the appointing power or for a fixed term with a successor elected or appointed. An employment is an agency for a temporary purpose which ceases when that purpose is accomplished.” Cons. Ill., 1870, Art. 5, §24.

Proof that There Is a “Straw man”
All public officers must take an oath. The oath, in fact, is what creates the fiduciary duty that attaches to the office. This is confirmed by the definition of "public official" in Black's Law Dictionary:

A person who, upon being issued a commission, taking required oath, enters upon, for a fixed tenure, a position called an office, where he or she exercises in his or her own right some of the attributes of sovereignty he or she serves for benefit of public. Macy v. Heverin, 44 McApp. 358, 408 A.2d. 1067, 1069. The holder of a public office though not all persons in public employment are public officials, because public official’s position requires the exercise of some portion of the sovereign power, whether great or small. Town of Arlington v. Bds. of Conciliation and Arbitration, Mass., 352 N.E.2d. 914.

The oath for United States federal and state officials was prescribed in the very first enactment of Congress on March 4, 1789 as follows:

Statutes at Large, March 4, 1789
1 Stat. 23-24

SEC. 1. Be it enacted by the Senate and [Home of] Representatives of the United States of America in Congress assembled, That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in the form following, to wit: "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the clerk: and in case of the absence of any member from the service of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat.

SEC. 2. And it is further enacted, That at the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker, and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: and in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate.

SEC. 3. And be it further enacted, That the members of the several State legislatures, at the next sessions of the said legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the State, in which such office shall be held, to administer oaths. And the members of the several State legislatures, and all executive and judicial officers of the several States, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the State shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a re- cord or certificate thereof to be made, in the same manner, as, by the law of the State, he or they shall be directed to record or certify the oath of office.

SEC. 4. And be it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office.

SEC. 5. And be it further enacted, That the secretary of the Senate, and the clerk of the House of Representatives, for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words following, to wit: "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities."

Based on the above, the following persons within the government are “public officers”:

1. Federal Officers:
   1.1. The President of the United States.
   1.2. Members of the House of Representatives.
   1.3. Members of the Senate.
   1.4. All appointed by the President of the United States.
1.5. The secretary of the Senate.
1.6. The clerk of the House of Representatives.
1.7. All district, circuit, and supreme court justices.

2. State Officers:
2.1. The governor of the state.
2.2. Members of the House of Representatives.
2.3. Members of the Senate.
2.4. All district, circuit, and supreme court justices of the state.

At the federal level, all those engaged in the above “public offices” are statutorily identified in 26 U.S.C. §2105. Consistent with this section, what most people would regard as ordinary common law employees are not included in the definition. Note the phrase “an officer AND an individual”:

§ 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.

Within the military, only commissioned officers are “public officers”. Enlisted or NCOs (Non-Commissioned Officers) are not.

The “public offices” described in 26 U.S.C. §7701(a)(26) within the definition of “trade or business” are ONLY public offices located in the District of Columbia and not elsewhere. To wit:

§ 72. Public offices; at seat of Government

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

The only provision of any act of Congress that we have been able to find which authorizes “public offices” outside the District of Columbia as expressly required by law above, is 48 U.S.C. §1612, which authorizes enforcement of the Internal Revenue Code within the U.S. Virgin Islands. To wit:

§ 1612. Jurisdiction of District Court

(a) Jurisdiction

The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a bankruptcy court of the United States. The District Court of the Virgin Islands shall have exclusive jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands. Any act or failure to act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate
There is NO PROVISION OF LAW which would similarly extend public offices or jurisdiction to enforce any provision of the Internal Revenue Code to any place within the exclusive jurisdiction of any state of the Union, because Congress enjoys NO LEGISLATIVE JURISDICTION THERE.

"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. 855 (1936)]

By law then, no “public office” may therefore be exercised OUTSIDE the District of Columbia except as “expressly provided by law”, including privileged or licensed activities such as a “trade or business”. This was also confirmed by the U.S. Supreme Court in the License Tax Cases, when they said:

"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 coating licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

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

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

Those holding Federal or State public office, county or municipal office, under the Legislative, Executive or Judicial branch, including Court Officials, Judges, Prosecutors, Law Enforcement Department employees, Officers of the Court, and etc., before entering into these public offices, are required by the U.S. Constitution and statutory law to comply with 5 U.S.C. §3331, “Oath of office.” State Officials are also required to meet this same obligation, according to State Constitutions and State statutory law.


Under Title 22 U.S.C., Foreign Relations and Intercourse, Section §611, a Public Official is considered a foreign agent. In order to hold public office, the candidate must file a true and complete registration statement with the State Attorney General as a foreign principle.

The Oath of Office requires the public officials in his/her foreign state capacity to uphold the constitutional form of government or face consequences, according to 10 U.S.C. §333, “Interference with State and Federal law”

The President, by using the militia or the armed forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it—
(1) so hinders the execution of the laws of that State, and of the United States within the State, that any part or class of its people is deprived of a right, privilege, immunity, or protection named in the Constitution and secured by law, and the constituted authorities of that State are unable, fail, or refuse to protect that right, privilege, or immunity, or to give that protection; or

(2) opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.

In any situation covered by clause (1), the State shall be considered to have denied the equal protection of the laws secured by the Constitution.

Willful refusal action while serving in official capacity violates 18 U.S.C. §1918, “Disloyalty and asserting the right to strike against the Government”

Whoever violates the provision of 7311 of title 5 that an individual may not accept or hold a position in the Government of the United States or the government of the District of Columbia if he—

(1) advocates the overthrow of our constitutional form of government;

(2) is a member of an organization that he knows advocates the overthrow of our constitutional form of government;

shall be fined under this title or imprisoned not more than one year and a day, or both.

AND violates 18 U.S.C. §1346:

TITLE 18 > PART I > CHAPTER 63 > § 1346
§ 1346. Definition of “scheme or artifice to defraud”

"For the purposes of this chapter, the term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services.

5.5 “Public Office” v. “Public Officer”

A “public office” is referred to as “ens legis”. To wit:

“Ens Legis, L. Lat. A creature of the law; an artificial being, as contrasted with a natural person. Applied to corporations, considered as deriving their existence entirely from the law.”


Every lawful “public office” requires all of the following elements to be lawfully exercised:

1. A law of Congress CREATING the public office.
2. The “office”, which has specific duties and powers conferred by law and which are authorized to be exercised only in a specific place.
3. The “officer”, who is the human being who fills the office.
4. Express consent by the human being to fill the office. This consent usually takes the form of a contract or application, being the franchise agreement, to serve as surety for all the actions of the office, including those that are unlawful.
5. A specific and limited and defined period of performance in which the office is lawfully occupied and active with the specific officer who is authorized to occupy it.
6. Public property under the custody or control of the office. This is confirmed by the definition of “public officer”:

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

When the office is lawfully occupied, a fiduciary duty is established against the officer which is owed to the public at large:

“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer. 44 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts. 45 That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves. 46 and owes a fiduciary duty to the public. 47 It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual. 48 Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.”

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

Many people confuse the office with the officer and they are not the same. Some important points on this subject:

1. The “public office” is:
   1.1. The franchise.
   1.2. Part of the government.
   1.3. A creation of the government. That government is a corporation and all corporations are statutory “citizens” and “residents” of the place they were incorporated and ONLY of that place:

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

1.4. A statutory “citizen” because part of the government and because the government is a corporation and therefore a “citizen” under the laws of its creation.


1.7. A “public trust”. The public servant is the trustee, the Constitution is the trust document, the beneficiaries are our posterity, and the corpus of the trust is the public property under the management and control of the office.

Executive Order 12731
"Part 1 -- PRINCIPLES OF ETHICAL CONDUCT

"Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

---

47 United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1225).
"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

TITLE 5—ADMINISTRATIVE PERSONNEL
CHAPTER XVI—OFFICE OF GOVERNMENT ETHICS
PART 2635—STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE
BRANCH--Table of Contents
Subpart A--General Provisions
Sec. 2635.101 Basic obligation of public service.

(a) Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

2. The “officer” occupying the public office:
   2.1. Is a human being and a separate legal person from the office he occupies.
   2.2. Is not the franchisee called “taxpayer”.
   2.3. Is voluntary surety for the “taxpayer” or office.
   2.4. Is protected by official immunity so long as he/she stays without the bounds of his expressly delegated authority as described by law.
   2.5. Waives official immunity and becomes personally liable for a tort if he/she/it exceeds the bounds of his lawfully delegated authority.

Now let’s apply the above concepts to the income tax, which is a franchise tax upon public offices served within the federal and not state government and which must be exercised abroad (per 26 U.S.C. §911) but not domestically. The activity subject to indirect/excise/privilege tax is a “trade or business”, which is defined as “the functions of a public office” within 26 U.S.C. §7701(a)(26). IRS forms that address the citizenship and residence of the submitter relate to the “public officer” and not the office he or she occupies. The office can have a different domicile or residence than the officer.

EXAMPLE: For instance, a Congressman who lives outside of the District of Columbia and commutes daily to work inside the Beltway is a nonresident of the “United States” engaged in a public office. “United States” is defined at 26 U.S.C. §7701(a)(9) and (a)(10) to include the District of Columbia and exclude states of the Union. Therefore, the states of Maryland and Virginia that surround the District of Columbia would not be part of the “United States” described in the I.R.C. As such, the Congressman is a “nonresident alien” (26 U.S.C. §7701(b)(1)(B)) but not an “individual” or “nonresident alien individual” (26 C.F.R. §1.1441-1(c)(3) ) who has earnings from a “trade or business”, which is a public office. 4 U.S.C. §72 says that office can only lawfully be exercised by the public officer, which is himself, within the District of Columbia and NOT elsewhere. Therefore, any earnings from the office originating from within the District of Columbia become taxable only at the point when the Congressmen goes temporarily abroad under 26 U.S.C. §911 and avails himself of the benefits of a tax treaty. In relation to the foreign country and the tax treaty, he is an alien and therefore an “individual” and therefore pays income tax on earnings during the time he was abroad pursuant to 26 U.S.C. §871. He doesn’t owe any tax on earnings while not abroad under 26 U.S.C. §871, because he can’t be either an “individual” or an “alien” under Title 26 while he is physically located anywhere in America.

The only thing the feds can tax is foreign commerce, including imports and exports and earnings in foreign countries. They can’t tax domestic transactions within a state:

"The States, after they formed the Union, continued to have the same range of taxing power which they had before, barring only duties affecting exports, imports, and tonnage. 2 Congress, on the other hand, to lay taxes in order to pay the Debts and provide for the common Defense and general Welfare of the United States'; Art. 1, Sec. 8, U.S.C.A.Const., can reach every person and every dollar in the land with due regard to Constitutional limitations as to the method of laying taxes."

[Graves v. People of State of New York, 306 U.S. 466 (1939)]

"The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many, but for a very long time this court
has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra."

[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513; 56 S.Ct. 892 (1936)]

"Thus, Congress having power to regulate commerce with foreign nations, and among [but not WITHIN] the several States, and with the Indian tribes, may, without doubt, provide for granting coating licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

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

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

6 “person” in the Bible and under natural law

Are you suffering from prosopagnosia? Please take out your ID!

6.1 Introduction

We say, "She is a nice person." We hear, "I will only deal with you in person." We hear of doctors repeating the phrase, "The disease spread from person to person." A cop may say, "He had drugs on his person." A court may issue a warrant to search your person. Is it possible not to have a person. What is a person? Was Jesus a person?

For there is no respect of persons with God. [If God has no respect for persons, how could Jesus be a person? Jesus, therefore, must not be a person.]

[Romans 2:11]

Then Peter opened his mouth, and said, Of a truth I perceive that God is no respecter of persons: [the context here is ethnicity, social, cultural, status, nationality].

[Acts 10:34]

Ye shall do no unrighteousness in judgment: thou shalt not respect the person (Heb: pawneem = face) of the poor, nor honor the person of the mighty: but in righteousness shalt thou judge thy neighbor.

[Leviticus 19:15]

If you would like an entertaining video about “personhood”, see:

Morpheus Explains: What is a Person?, Musicians for Freedom
http://www.youtube.com/watch?v=pgA_e-rbCRE

6.2 State can only tax or regulate that which it creates and it didn’t create men or women, but only “persons”

It is a maxim of law that governments can only regulate, tax, or burden things that they create. In relation to the things they create, they are referred to as a “parens patriae”, or parent.

"A State does not owe its origin to the Government of the United States, in the highest or in any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice of the people... A State is altogether exempt from the jurisdiction of..."
the Courts of the United States, or from any other exterior authority, unless in the special instances when the
general Government has power derived from the Constitution itself.”

[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1794)]

‘Applying the same principles, this court, in United States v. Railroad Company, 17 Wall. 322, held that a
municipal corporation within a State could not be taxed by the United States on the dividends or interest of
stock or bonds held by it in a railroad or canal company, because the municipal corporation was a
representative of the State, created by the State to exercise a limited portion of its powers of government, and
therefore its revenues, like those of the State itself, were not taxable by the United States.

[Pollock v. Farmers’ Loan & Trust Co., 157 U.S. 429 (1895)]

The state or government didn’t create you, the human man or woman. Therefore, they cannot destroy, tax, or burden you,
the PRIVATE man or woman. When they want to tax you, they need your CONSENT to take on a PUBLIC persona called
“person”. No one, including an entire electorate, can consent on your behalf to acquire the status of statutory “person”,
“citizen”, or “resident”. Hence, you are beyond their reach until they demonstrate on the record of the proceeding with
evidence your consent to acquire that status. This is the same requirement they impose on you when you want to sue them
in their courts: a waiver of sovereign immunity which them makes THEM and not YOU a “person” under their own
statutes.

“The people of a state give to their government a right of taxing
themselves and their property at its discretion. But the means employed by the
government of the Union are not given by the people of a particular state, but by the people of all the states;
and being given by all, for the benefit of all, should be subjected to that government only which belongs to
all. All subjects over which the sovereign power of a state extends are
objects of taxation; but those over which in does not extend are, upon
the soundest principles, exempt from taxation. The sovereignty of a state
extends to everything which exists by its own authority, or is introduced
by its permission; but does not extend to those means which are
employed by congress to carry into execution powers conferred on that
body by the people of the United States. The attempt to use the taxing power of a state on
the means employed by the government of the Union, in pursuance of the constitution, is itself an abuse,
because it is the usurpation of a power which the people of a single state cannot give. The power to tax
involves the power to destroy; the power to destroy may defeat and render useless the power to create; and
there is a plain repugnance in conferring on one government a power to control the constitutional measures
of another, which other, with respect to those very measures, is declared to be supreme over that which exerts
the control. The states have no power, by taxation [117 U. S. 151, 156] or otherwise, to retard, impede,
burden, or in any manner control, the operations of the constitutional laws enacted by congress to carry into
execution the powers vested in the general government. Such are the outlines, mostly in his own words, of the
grounds of the judgment delivered by Chief Justice MARSHALL in the great case of McCulloch v. Maryland, in
which it was decided that a statute of the state of Maryland, imposing a tax upon the issue of bills by banks,
could not constitutionally be applied to a branch of the Bank of the United States within that state. 4 Wheat.
316, 425-431, 436.

[Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886)]

Whether the United States are a corporation ‘exempt by law from taxation,’ within the meaning of the New York
statutes, is the remaining question in the case. The court of appeals has held that this exemption was applicable
only to domestic corporations declared by the laws of New York to be exempt from taxation. Thus, in Re Prime’s
Estate, 136 N.Y. 347, 32 N.E. 1091, it was held that foreign religious and charitable corporations were not
exempt from the payment of a legacy tax, Chief Judge Andrews observing (page 360, 136 N. Y., and page 1091,
32 N. E.): ‘We are of opinion that a statute of a state granting powers and privileges to corporations must, in
the absence of plain indications to the contrary, be held to apply only to corporations created by the state,
and over which it has power of visitation and control. ... The legislature in such cases is dealing with its own
creations, whose rights and obligations it may limit, define, and control.’ To the same effect are Catlin v. Trustees,
113 N.Y. 133, 20 N.E. 864; White v. Howard, 46 N.Y. 144; In re Balleis’ Estate, 144 N.Y. 132, 38 N.E.
1007; Minot v. Winthrop, 162 Mass. 113, 38 N.E. 512; Dos P. Inh. Tax Law, c. 3, 34. If the ruling of the court
of appeals of New York in this particular case be not absolutely binding upon us, we think that, having regard
to the purpose of the law to impose a tax generally upon inheritances, the legislature intended to allow an
exemption only in favor of such corporations as it had itself created, and which might reasonably be
supposed to be the special objects of its solicitude and bounty.

“In addition to this, however, the United States are not one of the class of corporations intended by law to be
exempt [163 U.S. 625, 631] from taxation. What the corporations are to which the exemption was intended to
apply are indicated by the tax laws of New York, and are confined to those of a religious, educational, charitable, or reformatory purpose. We think it was not intended to apply it to a purely political or governmental corporation, like the United States, Catlin v. Trustees, 113 N.Y. 133, 20 N.E. 864; In re Van Kleeck, 121 N.Y. 701, 75 N.E. 50; Dos P. Inh. Tax Law, c. 3, 34. In Re Hamilton, 148 N.Y. 310, 42 N.E. 717, it was held that the execution did not apply to a municipality, even though created by the state itself.”

[U.S. v. Perkins, 163 U.S. 625 (1896)]

The only thing governments can constitutionally create are franchises, of which “persons”, “citizens”, “residents”, and corporations are examples. These, then, as instrumentalities and creations of their government creator, and are the only thing they can tax, regulate, or control. All others, according to the above, are, “upon the soundest principles, exempt from taxation” or control.

If they want to reach you, governments must then:

1. Create an office, such as statutory “person”, “individual”, “citizen”, “resident”, etc.
2. Confuse men and women with the “office”.
3. Fool you into describing yourself as such “officer” on government forms.
4. Enforce the obligations of the office upon the private man or woman, usually through FRAUD and presumption.

For further details on this section, see:

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

6.3 Confusion by Definition

“person. [. . .] 2: a character or part in or as if in a play: GUISE. [. . .] 6: one (as a human being, a partnership, or a corporation) that is recognized by law as the subject of rights and duties.


All civil statutory laws apply to “persons” domiciled on specific territory. The common law and the constitution apply only to men and women present but not necessarily domiciled on specific territory. Civil “persons” are creations of Congress. Common law or constitutional “persons” are created by God. A man is self-evident. But, a “person”? No, a civil statutory “person” is not self-evident. Laws say, “No person shall do . . . ” Civil statutes do not regulate a man, only a “person”. Here is how one book on the common law distinguishes civil statutory “persons” from men and women:

The Theory of the Common Law

CHAPTER II: CIVIL PERSON.

The state is represented in the person of its chief magistrate, who is at the same time a member of it, Thus the king or president possesses two kinds of rights, a university of rights as a corporation [PUBLIC rights], and individual rights [PRIVATE rights] as a man. As the former become more and more confused with the latter, so government advances towards some form of monarchy. A bishop also is a sole corporation, but the man holding the office has also his individual rights. The word person neither according to its accurate meaning nor in law is identical with man. A man may possess at the same time different classes of rights. On the other hand, two or more men may form only one legal person, and have one estate, as partners or corporators. Upon this difference of rights between the person and the man, the individual and the partner, corporator, tenant in common, and joint tenant, depends the whole law of these several classes. The same person has perfect power of alienation, of forming contracts, of disposing by last will and testament of his individual estate, but not of the corporate, nor of his own share in it, unless such power be expressed or implied in the contract by which the university of rights and duties is created. The same distinction divides all public from private property, and distinguishes the cases in which the corporation or civil person may sue from those in which the individual alone can be the party ; - although there are instances in which the injury complained of may, in reference to the difference of character, be such as to authorize the suit to be instituted either by the civil person or the individual, or by both. Thus, violence to the person may be punished either as a wrong to the state or to the individual. An

The true meaning of the word person is also exemplified in the matter of contracts. It is said, generally, that all persons may contract; but that is not true in the sense that all human beings may contract. Thus, a married woman, an infant, a lunatic, cannot contract. Again, a slave of mature age, sound intellect, with the consent of his master, cannot make a contract binding on himself, although as an agent he may bind his master. These
matters are important only as they serve clearly to show that the civil person may have rights distinct from those which he possesses as an individual; and that his rights or duties as an individual may consequently become opposed to his rights and duties as a civil person. Thus, a partnership of three persons may own, for example, a moiety of a ship, and one of them the other moiety. In case of a difference between them as to its use, the rights of the one as a partner, and his right as an individual owner of another moiety, are directly opposed. In order, therefore, to perceive the application of a rule of law, it must be considered whether the person or the individual, or both, is the possessor of the right. For it may be asserted as absolutely true, that the rights of the man are not recognized by that law which is termed the municipal. It recognizes them only as they grow out of, or are consistent with, his character as a civil person. In other words, this is the distinction between the Common Law and the law of nature. Nor is this a fanciful distinction, inasmuch as the rudest tribes, as well as the most civilized nations, have always distinguished between the rights and duties of their members, and of those who were not members of the body politic. Even after the philosophical jurispruits of antiquity had polished and improved the jurisprudence of aristocratic republican Rome by the philosophy of the Portico, Cicero, statesman, philosopher, and jurisconsult, explains with indignation against the confusion of rights of person that the age witnessed: " In urbe nostro est infusa peregrinitas; nunc vero etam braccatis et transalpinis nationibus ut nullum veteris leporis vestigium apparent." The Common Law, as well as the Civil, recognizes as a person an unborn child, when it concerns its interests either as to life or property. "Qui in utero est perinde ac si in rebus humanis esset, custodiar, quotiens de commodis ipsius partus queritur," And both systems provide the same remedies to protect the child and those with whom its birth may interfere. In case of a limitation to the child of which a woman is now pregnant, if twins should be born, the Common Law gives the estate to the first-born; by our law, they would take moiety.

Now, as these rights are acquired before the birth of the child or children, there is a double fiction; not only in considering the unborn as born, but in distinguishing under the Common Law the eldest from the youngest born. Whilst, therefore, the law regards the unborn as born, yet, to transmit the estate, he must be born as a man, alive and capable of living. The law does not presume the life or death of an individual; when his existence has been established, his death also must be proved. * But the birth of an individual and the commencement of his character as a person do not necessarily concur. Thus, an alien of any age is not a person, in relation to a contract concerning lands, nor in any case is an infant; so a woman marrying before she attains her legal maturity may die of old age without having become a person. On the other hand, a person may suffer civil death before physical death; totally, where he becomes a monk; partially, as a penalty for the commission of an infamous crime; and perpetually or temporarily, as in case of outlawry. * Where a person has not been heard of for seven years, and under circumstances which contradict the probability of his being alive, a court may consider this sufficient proof of death (Stark. Ev. 4 pl. 457). The presumptions which arise in such cases do not concern the death of the person, but the time of his death, as where several die by one shipwreck or other casualty. On this point the rules are, - 1st. In case of parents and children, that children below the age of puberty died before, and adult children after, their parents. 2d. Persons not being parents and children, and the rights of one being dependent upon the previous death of the other, this precedent condition must be proved. 3d. If a grant is to be deleated by the act of the grantor, as in case of a don anio inter virum et uxorem, or a donatio ortis causa, the donor is presumed, in the absence of testimony, to have died first. (See Pothier, Obligations, by Evans, Vol. II. p. 300.)

*The Theory of the Common Law, James M. Walker, 1852, pp. 17-20*

Adam was caught hiding behind a fig leaf, behind his "new person" created by his sin or crime in eating the fruit. Committing a crime makes one a "person" under the criminal laws.

Though present in the courtroom, the man was arrested because he did not show up in person!!

In Canada, women became persons in 1929. Prior to that they were not persons. In America, female citizens (persons) gained the right to vote [14th & 19th Amendment]. In America, Sodomites are clamoring to be treated equally as persons. Women want to be treated equal as soldier persons.

Corporations are persons. They can sue and be sued. Whoopie! But, they can't drive or vote.

Counties, cities, are persons.

Prisoners lose their person and the State takes their person away from them.

The 4th Amendment speaks of the right of “people” (not “persons”) to be secure in their persons, houses, papers, effects.

A baby is not a person unless it is born. A long time ago, when a women came into the doctor's office, there were two patients. Today, they only have one patient. There are groups that want elephants and dolphins to be persons. If you shoot one, you will have shot a person. A monkey is the same as a nonperson, a baby.
Aborigines prior to 1940 were not persons. You could obtain a license to kill an Aborigine. When they shot and killed an Aborigine, they shot and killed a non-person. When a killer shot the Aborigine, he may say, "It's nothing personal."

Every law, statute, regulations, ordinances and policy applies only to persons. Every obligation, law, duty, debt, prohibition, right, benefit, name, address, title, deed, applies only to persons.

**Wikipedia Encyclopedia:** Personhood continues to be a topic of international debate, and has been questioned during the abolition of slavery and the fight for women's rights, in debates about abortion, fetal rights and reproductive rights, in animal rights activism, as well as in debates about corporate personhood.[2]

**Blackstone:** Persons are divide by the law into either natural persons, or artificial. Natural persons. . . are such as the God of nature formed us . . . artificial are such as created and devised by human laws for the purpose of society and government which are called corporations or body politic.

**Bouvier's:** the word "person" is applied to men, women and children, who are called natural persons. In law, man and person are not exactly synonymous terms. Any human being is a man, whether he be a member of society or not, whatever may be the rank he holds, or whatever may be his age, sex, &c. A person is a man considered according to the rank he holds in society, with all the rights to which the place he holds entitles him, and the duties which it imposes. I Bouv. Inst. n. 137.

But, corporations are not men.

Persons are of two classes only: natural persons and legal persons.

God is no respecter of persons. James 2:7-10. God did not make any persons.

Definition of person in the early 1800's: a human being represented in dialogue, fiction, or on the state; character. Character of office. A player appears in the person of a character. In law, a person is one enabled to maintain pleas in court. If you are not a person, you can't beg in court.

Birth Certificate: A birth certificate does not represent a human being, but a birth / transfer into a nation. The human being appears as the birthed non-living entity certified by the birth certificate. A birth certificate is a death certificate. It announces the birth of a dead fiction, a son of the nation, a citizen of the United States possessing rights granted by government (14th Amendment).

**Personal:** Belonging to men or women, not to things; not real, Present in person, not acting by representative; as a personal interview. Personal estate, belonging to the person as opposed to real estate. Personal identity, in metaphysics, sameness of being, of which consciousness is the evidence.

**Personate:** . . . to represent by a fictitious or assumed character . . . to pretend hypocritically. To resemble. A mask.

**Personification:** The giving to an inanimate being, the figure or the sentiments and language of a rational being.

**Prosopopoeia:** as "Confusion heard his voice."

**Legal personality:** the characteristic of a non-living entity guarded by law to have the status of personhood.

A natural Person: A person is recognized by law as such, not because he is human, but because rights and duties are ascribed to him . . . An individual human being considered as having such attributes is what lawyers call a "natural person," firms, trusts, business organizations, legal entities.

**Person:** from Latin is a persona, meaning "mask," is a being, such as a human, that has certain capacities attributes constitution personhood. Personhood, the precise definition of which is the subject of much controversy.

6.4 How can there be a controversy when persons are going to jail or being executed?

In Greek, the persona referred to masks used on stage . . . the role played. Roles possessed rights, not the actor. Rights and duties follow the role, not the actor. This is why you, the human being, have no rights. You are the actor, not the role or persona.

Proof that There Is a “Straw man”
Trinitarian theology in 5th Century. Role and actor are distinct. A Jew of Moslem is not a person. In Christianity, a non-believer, including Jews and Moslems, are infidels. Webster's: An infidel is "one who is not a Christian or who opposes Christianity."

Prosopagnosia (Grk): from "face", "agnosia" is "not knowing:" is a disorder of face perception where the ability to recognize faces is impaired, while the ability to recognize other objects may be relatively intact.

Webster's: a form of visual agnosia characterized by an inability to recognize faces

Prosopagnosia: A confusion of face.

To be a person is to have a face before the law--to be recognized as one having rights and privileges before a court. To have strength to give testimony upon one's own words--a respectable social identify. A mask becomes your identity. You are in disguise. A person has no gender or sexual orientation.

A non-person is one who has no rights before the law. Such entities are also called "civilly dead" because they are either nonresidents or never made an election to become "persons", “non-persons” are systematically ignored because beyond the reach of the civil statutory law and therefore EXCLUSIVELY PRIVATE. So, when you go to court, put on your mask. A man / Adam can not be recognized under the civil statutory law. A man who will not be recognized or remembered or afforded any rights or protection under the civil statutory law is still protected under the common law, however.

A fiction owns no property. You cannot see a person, taste a person, hear a person, or smell a person. It is non-sense. A person is not a known. It is an adverb. But, you can be made to realize a person if you think, speak, and act for it. This is, of course, what is called an insane delusion.

Per: A Latin preposition denoting "through, near; close; as through or with, denoting the agent, means, instrument of cause.

Son: the male issue of a parent, a native or inhabitant of a county as the sons of the American Revolution. A son is that which is fathered. If a country can have sons, the country must be a father.

Father and son are reciprocal terms, meaning you cannot have a father without having a son nor can you be a son without having a father. But, a country cannot be a real father or have real sons. It’s just pretend. It’s a fiction. It exists only in the mind. This is called "fictions of law" or "paper fictions." These sons have no connection based on blood or genes. These sons are based on affinity.

So, person is a process, not a being. A son is a being. A person is one who did the act in the place and stead of the son, or by means of the son. The use of a medium. (The son must be a straw man because the nation creates dead persons who are sons of the fatherland). When you appear in court, you give life to the son. One who acts as the son, in the name of the son, by and through the son, and appears to be the son is the exacts person. (Out of the Act).

In court, an appearance is called pleading into a fiction of law. It is a pleading of the dead. It is an out of body experience.

A summons to appear is a conjuration--evoking the dead! But you are summoned to appear as the son. In the place and instead of. The who by and through the son, or the dead... did the act. The actor fulfilling the role. This is calling "the dead" to appear. The court only has jurisdiction over the dead.

Your birth certificate was never meant to be used as personal identification. It only identifies the son. When you use it, you become the per-son. You become an entity who acts in, through, and by the son. You give life to the dead when you speak on behalf of the person. This is called a resurrection of the dead.

It is necromancy--conjuration of the spirits of the dead for purposes of magically revealing the future or influencing the course of events (Webster's) . . . invoking the dead to obtain a remedy in law to achieve a justice because of an existing injustice . . . conjuring up the dead as an instrument to achieve justice. Ever heard the Bailiff say, "All rise . . . the court is now in session?" The deacon of the occult calls for a resurrection of the dead to appear before the Grand Wizard who performs his sorceries. If a human being appears in court he gives the dead fiction life; that is, a voice behind the mask.
The Bible calls the entire commercial system an acts of sorceries--acts of witchcraft, deceit, and deception (Rev. 18:23).

The only person known to law is one we give as lawmakers. Who is going to obey our laws (statutes)? Only fictions, only the dead! So, we speak and act through this fictional son (national sons, a.k.a. the birth certificate son). Thus, we are a natural person as ones who speak for the dead--as opposed to those without legal status. In many cases, fundamental human rights are implicitly granted only to natural persons by the State. Animals who are not persons can not commit a crime. Persons need a voice. The thinking, speaking, and acting can only be done by you!! Why can't you refuse to think, speak, and act for the fiction? If you speak for the fiction, the speaking is done "in person." Thus, you are a natural person.

I think, therefore, I am.

I speak, therefore, I am.

I act, therefore, I am.

U.S. Legal: Natural person is a real human being or an actual person as distinguished from a corporation which is often treated at law as a fictitious person.

The evidence of the fictional son is your driver's license or birth certificate or national identification card. If we speak for the driver's license, we give life to the dead.

If you think you are identical to the ID card, you suffer from prosopagnosia--A confusion of face--a disorder of face perception where the ability to recognize faces is impaired, while the ability to recognize other objects may be relatively intact.

6.5 Father Son Relationship

Law is based on a father-son relationship. Bad sons must appear before their father in court to be disciplined, fined, or jailed.

Parens patriae: means parent of the country. It's roots are in English common law. In feudal times various obligations and powers, collectively referred to as the "royal prerogative," were reserved to the king. The king exercised these functions in his role as father of the country. Who's your Daddy?"

A fiction of law: a convenient fiction or a misfortunate truth?

Fiction: (Latin from fictio, from fingo, to feign): Feigned: imaginary, not real. The human persons are as fictitious as the airy ones. Counterfeit: false: not genuine. Feigned representation.

Feign: to invent or imagine: to form an idea or conception of something not real. To make a show of.; to pretend; to assume a false appearance; to counterfeit; to represent falsely; to pretend, invented, devised, imagined, assumed. Its fraud . . . and we do it . . . and no one is forcing us to do it . . . so it is not a fraud. You are being tricked into committing fraud. But, why?

Fictions were invented by the Roman praetors, who, not possessing the power to abrogate law (what law are we talking about?) were nevertheless willing to derogate (to get rid of) from it, under the pretence of doing equity. What law couldn't they get rid of. This is why they created the just civil . . . in order to transfer property from one persona to another persona.

Pretending: with the intention to deceive. A fiction of law is a presumption that such and such a thing is true, that gives perception of truth, that assigns a quality to it that is not be true, a disposition, without the fiction or persona would be repugnant to reason and truth. It is an order of things that does not exist, which the law prescribes or authorizes.

Fictions of law owe their origin to the legislative usurpations of the bench (4 Benth, Ev. 300) (the legislative usurpation of whose bench?). Someone sat on it and started making laws.
Proof that There Is a “Straw man”

1 desires to accomplish his object, he need not feign, he commands. Fictions of law owe their origin to the
legislative usurpations of the bench.
[The Electric Law Library]

The law abounds in fictions--thousands of them. All contracts are an agreement, and we impose a "fiction of law"
surrounding the agreement.

Fiction: a rule of law which assumes something which is false is true, and will not allow it to be disproved. An
assumption by law that something which is false is true. A statute may state that X is to be treated as Y. The law
does not deal with truth, only fictions. There is no truth in law.
[Canadian Law Dictionary]

The whole goal is to create inequity to transfer property from private to public, from the sons to the fathers, from private
man to the public corporation--thus civil law, a rule of law to create fictional law and the power to transfer rights and
property to other personas. No, this is not real law or God's law, but man's legal system, a fiction, a lie, a ruse to steal
property from you.

Realistic Fiction: an instrument that tries to make the reader feel that they are reading something that is
actually happening, something that is not real, is describe in a believable way to help reader feel that it is real.

It does not exist in nature. The supernatural does not exist in nature. Our State law abounds in the supernatural, the occult,
witchcraft, necromancy? Anything that produces an unnatural effect is necromancy. Something of no value that brings to
fiction to life or the dead to life.

Why do we have to do this? Can’t we just be ourselves? Because people in power would have to tell the truth about the law
and would not be able to take advantage of you. Your whole life you’ve been acting as an entity that it not alive. You
provide all your labor through this entity, the entity created in our head. You cannot apply your will to something you do
not own. We, the court, has to make you believe a fiction so we can steal your real property from you.

Your straw man, your ID, your residence, your driver’s license, your "Certificate of Title" to your car or your house is only
a fiction. Their laws are fictions designed to deceive you and to take possession of your property through necromancy or
proceedings in their court. Fictions are all about property and stealing.

Thus, the courts will practice necromancy and summons the dead in order to practice black magic--magic dealing with
deception and fictions to take your property out of the private sector and to place it under the control of the public sector.

The Scripture says,

\[\text{For there is no respect of persons with God.} \]
[Romans 2:11]

Satan offered the original couple a fiction . . . and since then we are living in a dead, fictional world governed by the Prince
of lies.

God does not create persons. He does not bow or give weight to roles or status or personas or faces. He honors no fiction or
entity. He looks on the heart of man, not the faces people are wearing or the roles they play. Likewise, we need to avoid the
deception and fraud and live according to truth. More further, we need to avoid consensual fraud. If we are deceive by faces
we will reap the result of prosopagnosia.

7 Public v. Private

A very important subject is the division of legal authority between PUBLIC and PRIVATE rights. On this subject the U.S.
Supreme Court held:

"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he
administer or execute them."
[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]
If you can't "execute" them, then you ALSO can't enforce them against ANYONE else. Some people might be tempted to say that we all construe them against the private person daily, but in fact we can't do that WITHOUT being a public officer WITHIN the government. If we do enforce the law as a private person, we are criminally impersonating a public officer in violation of 18 U.S.C. §912. Another U.S. Supreme Court cite also confirms why this must be:

"All the powers of the government [including ALL of its civil enforcement powers] against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals."


"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.

"Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter: its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges."

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

You MUST therefore be an agent of the government and therefore a PUBLIC officer in order to “make constitutions or laws or administer, execute, or ENFORCE EITHER”. Examples of “agents” or “public officers” of the government include all the following:

1. “person” (26 U.S.C. §7701(a)(1)).
2. “individual” (26 C.F.R. §1441-1(c)(3)).
3. “taxpayer” (26 U.S.C. §7701(a)(14)).
4. “withholding agent” (26 U.S.C. §7701(a)(16)).

"The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it cannot justly exercise any control, nor upon whom it can justly lay any burden."

[United States v. Erie R. Co., 106 U.S. 327 (1882)]

So how do you “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!

Likewise, if ONLY public officers can “administer, execute, or enforce” the law, then the following additional requirements of the law are unavoidable and also implied:

1. Congress cannot impose DUTIES against private persons through the civil law. Otherwise the Thirteenth Amendment would be violated and the party executing said duties would be criminally impersonating an agent or officer of the government in violation of 18 U.S.C. §912.
2. Congress can only impose DUTIES upon public officers through the civil statutory law.
3. The civil statutory law is law for GOVERNMENT, and not PRIVATE persons. See:
4. Those who enforce any civil statutory duties against you are PRESUMING that you occupy a public office.

5. You cannot unilaterally "elect" yourself into a public office in the government by filling out a government form, even if you consent to volunteer.

6. Even if you ARE a public officer, you can only execute the office in a place EXPRESSLY authorized by Congress per 4 U.S.C. §72, which means ONLY the District of Columbia and “not elsewhere”.

7. If you are “construing, administering, or executing” the laws, then you are doing so as a public officer and:

   7.1. You are bound and constrained in all your actions by the constitution like every OTHER public officer while on official business interacting with PRIVATE humans.

   7.2. The Public Records exception to the Hearsay Exceptions Rule, Federal Rule of Evidence 803(8) applies. EVERYTHING you produce in the process of “construing, administering, or executing” the laws is instantly admissible and cannot be excluded from the record by any judge. If a judge interferes with the admission of such evidence, he is:

       7.2.1. Interfering with the duties of a coordinate branch of the government in violation of the Separation of Powers.

       7.2.2. Criminaly obstructing justice.

7.1 Introduction

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

1. There are TWO types of property:

   1.1. Public property. This type of property is protected by the CIVIL law.

   1.2. Private property. This type of property is protected by the COMMON law.

2. Specific legal rights attach to EACH of the two types of property. These “rights” in turn, are ALSO property as legally defined.

   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 everyone 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.

   [...]


3. Human beings can simultaneously be in possession of BOTH PUBLIC and PRIVATE rights. This gives rise to TWO legal “persons”: PUBLIC and PRIVATE.

   3.1. The CIVIL law attaches to the PUBLIC person.

---

Proof that There Is a “Straw man”
3.2. The COMMON law and the Constitution attach to and protect the PRIVATE person.
This is consistent with the following maxim of law.

_Quando duo juro concurrunt in unda personae, aequum est ac si essent in diversis._

When two rights [public right v. private right] concur in one person, it is the same as if they were two separate

persons, 4 Co. 118.

[BOUVIER’S MAXIMS OF LAW, 1856; SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]

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

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

[DECLARATION OF INDEPENDENCE, 1776]

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

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

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

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

6. That the ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the constitution and therefore such
conduct cannot lawfully become the subject of any civil statutory law.

“Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given
under a constitution. 194 B.R. at 925. ”

[IN RE YOUNG, 235 B.R. 666 (Bankr. M.D. Fla., 1999)]

7. That the terms “person”, “persons”, “individual”, “individuals” as used within the civil statutory law by default imply
PUBLIC “persons” and therefore public offices within the government and not PRIVATE human beings. All such
offices are creations and franchises of the government and therefore property of the government subject to its exclusive
control.

8. That if the government wants to call you a statutory “person” or “individual” under the civil law, then:

8.1. You must volunteer or consent at some point to occupy a public office in the government while situated
physically in a place not protected by the USA Constitution and the Bill of Rights....namely, federal territory. In
some cases, that public office is also called a “citizen” or “resident”.

8.2. If you don’t volunteer, they are essentially exercising unconstitutional “eminent domain” over your PRIVATE
property. Keep in mind that rights protected by the Constitution are PRIVATE PROPERTY.

9. That there are VERY SPECIFIC and well defined rules for converting PRIVATE property into PUBLIC PROPERTY
and OFFICES, and that all such rules require your express consent except when a crime is involved.

10. That if a corrupted judge or public servant imposes upon you any civil statutory status, including that of “person” or
“individual” without PROVING with evidence that you consented to the status AND had the CAPACITY to lawfully
consent at the time you consented, they are:
10.1. Violating due process of law.

10.2. Imposing involuntary servitude.

10.3. STEALING property from you. We call this “theft by presumption”.

10.4. Kidnapping your identity and moving it to federal territory.

10.5. Instituting eminent domain over EXCLUSIVELY PRIVATE property.

11. That within the common law, the main mechanism for PREVENTING the conversion of PRIVATE property to PUBLIC property through government franchises are the following maxims of law. These maxims of law MANDATE that all governments must protect your right NOT to participate in franchises or be held accountable for the consequences of receiving a “benefit” you did not consent to receive and/or regarded as an INJURY rather than a “benefit”:

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

Quilibet potest renunciare juri pro se inducto.
Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

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

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

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

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

______________________________________________________________________________________________

IRS AGENT: What is YOUR Social Security Number?

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

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

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

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

YOU: Well why do the regulations at 20 C.F.R. §422.103(d) say it belongs to the Social Security Administration instead of me? I am not appearing as a Social Security employee at this meeting and its unreasonable and prejudicial for you to assume that I am. I am also not appearing here as “federal personnel” as defined in 5 U.S.C. §552a(a)(13). I don’t even qualify for Social Security and never have, and what you are asking me to do by providing an INVALID and knowingly FALSE number is to VIOLATE THE LAW and commit fraud by providing that which I am not legally entitled to and thereby fraudulently procure the benefits of a federal franchise. Is that your intention?
IRS AGENT: Don’t play word games with me. It’s YOUR number.

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

IRS AGENT: OK, well it’s OUR number. Sorry for deceiving you. Can you give us OUR number that WE assigned to you?

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

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

7.2 What is “Property”?

Property is legally defined as follows:

Property. That which is peculiar or proper to any person; that which belongs exclusively to one. In the strict legal sense, an aggregate of rights which are guaranteed and protected by the government. Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536. The term is said to extend to every species of valuable right and interest. More specifically, ownership; the unrestricted and exclusive right to a thing; the right to dispose of a thing in every legal way, to possess it, to use it, and to exclude everyone 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, Tex.Civ-App., 495 S.W.2d, 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. Hoffmann v. Kinealy, Mo., 389 S.W.2d, 745, 752.
Property, within constitutional protection, denotes group of rights inhering in citizen’s relation to physical thing, as right to possess, use and dispose of it. Cereghino v. State By and Through State Highway Commission, 230 Or. 439, 370 P.2d. 694, 697.

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

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

Keep in mind the following critical facts about “property” as legally defined:

1. The essence of the “property” right, also called “ownership”, is the RIGHT TO EXCLUDE others from using or benefitting from the use of the property.

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

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

7.3 “Public” v. “Private” property ownership

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

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

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

Ownership of property is either absolute or qualified. The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws. The ownership is qualified when it is shared with one or more persons, when the time of enjoyment is deferred or limited, or when the use is restricted. Calif. Civil Code, §1678-880.

There may be ownership of all inanimate things which are capable of appropriation or of manual delivery; of all domestic animals; of all obligations; of such products of labor or skill as the composition of an author, the
goodwill of a business, trademarks and signs, and of rights created or granted by statute. Calif. Civil Code, §655.

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

See also Equitable ownership; Exclusive ownership; Hold; Incident of ownership; Interest; Interval ownership; Ostensible ownership; Owner; Possession; Title.


Participation in franchises causes PRIVATE property to transmute into PUBLIC property. Below is a table comparing these two great classes of property and the legal aspects of their status.

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

<table>
<thead>
<tr>
<th>#</th>
<th>Characteristic</th>
<th>Public</th>
<th>Private</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Authority for ownership comes from</td>
<td>Grantor/creator of franchise</td>
<td>God/natural law</td>
</tr>
<tr>
<td>2</td>
<td>Type of ownership</td>
<td>Qualified</td>
<td>Absolute</td>
</tr>
<tr>
<td>3</td>
<td>Law protecting ownership</td>
<td>Statutory franchises</td>
<td>Bill of Rights (First Ten Amendments to the U.S. Constitution)</td>
</tr>
<tr>
<td>4</td>
<td>Owner is</td>
<td>The public as LEGAL owner and the human being as EQUITABLE owner</td>
<td>A single person as LEGAL owner</td>
</tr>
<tr>
<td>5</td>
<td>Ownership is a</td>
<td>Privilege/franchise</td>
<td>Right</td>
</tr>
<tr>
<td>6</td>
<td>Courts protecting ownership</td>
<td>Franchise court (Article 4 of the USA Constitution)</td>
<td>Constitutional court</td>
</tr>
<tr>
<td>7</td>
<td>Subject to taxation?</td>
<td>Yes</td>
<td>No (you have the right EXCLUDE government from using or benefitting from it)</td>
</tr>
<tr>
<td>8</td>
<td>Title held by</td>
<td>Statutory citizen (Statutory citizens are public officers)</td>
<td>Constitutional citizen (Constitutional citizens are human beings and may NOT be public officers)</td>
</tr>
<tr>
<td>9</td>
<td>Character of YOUR/HUMAN title</td>
<td>Equitable</td>
<td>Legal</td>
</tr>
<tr>
<td>10</td>
<td>Conversion to opposite type of property by</td>
<td>1. Removing government identifying number.</td>
<td>1. Associating with government identifying number.50</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Donation.</td>
<td>2. Donation.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>4. THEFT (Internal Revenue Service).</td>
<td>4. THEFT (Internal Revenue Service).</td>
</tr>
</tbody>
</table>

7.4 **The purpose and foundation of de jure government: Protection of EXCLUSIVELY PRIVATE rights**

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

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

[Declaration of Independence, 1776]

---

50 See: About SSNs and TINs on Government Forms and Correspondence, Form #05.012.
The fiduciary duty that a public officer who works for the government has is founded upon the requirement to protect PRIVATE property.

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

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

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

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

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

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

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

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

1. All property is PUBLIC property and there IS no PRIVATE property.
2. The government owns and/or controls all property and said property is LOANED to the people.
3. The government and/or the collective has rights superior to those of the individual. There is and can be NO equality or equal protection under the law without the right of PRIVATE property. In that sense, the government or the “state” is a pagan idol with “supernatural powers” because human beings are “natural” and they are inferior to the collective.
4. Control is synonymous with ownership. If the government CONTROLS the property but the citizen “owns” it, then:

54 United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1225).
4.1. The REAL owner is the government.
4.2. The ownership of the property is QUALIFIED rather than ABSOLUTE.
4.3. The person holding the property is a mere CUSTODIAN over GOVERNMENT property and has EQUITABLE rather than LEGAL ownership. Hence, their name in combination with the Social Security Number constitutes a PUBLIC office synonymous with the government itself.

5. Everyone in temporary use of said property is an officer and agent of the state. A “public officer”, after all, is someone who is in charge of the PROPERTY of the public. It is otherwise a crime to use public property for a PRIVATE use or benefit. That crime is called theft or conversion:

75. Where, by virtue of law, a person is clothed, not as an incidental or transient authority, but for such time as de- notes duration and continuance, with Independent power to control the property of the public, or with public functions to be exercised in the supposed interest of the people, the service to be compensated by a stated yearly salary, and the occupant having a designation or title, the position so created is a public office. State v. Brennan, 49 Ohio.St. 33, 29 N.E. 593.


Look at some of the planks of the Communist Manifesto, Karl Marx and confirm the above for yourself:

1. Abolition of property in land and application of all rents of land to public purposes.
2. A heavy progressive or graduated income tax.


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

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. Falcon 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 everyone 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, Tex.Civ-App., 495 S.W.2d. 607. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. Hoffmann v. Kinealy, Mo., 389 S.W.2d. 745, 752.

Property, within constitutional protection, denotes group of rights inhering in citizen’s relation to physical thing, as right to possess, use and dispose of it. Cereghino v. State By and Through State Highway Commission, 230 Or. 439, 370 P.2d. 694, 697.
In a lawful de jure government under our constitution:

1. All “persons” are absolutely equal under the law. No government can have any more rights than a single human being, no matter how many people make up that government. If your neighbor can’t take your property without your consent, then neither can the government. The only exception to this requirement of equality is that artificial persons do not have constitutional rights, but only such “privileges” as statutory law grants them. See:

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

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

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

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

3. You have to knowingly and intentionally DONATE your PRIVATE property to a public use and a PUBLIC purpose before the government can lawfully REGULATE its use. In other words, you have to at least SHARE your ownership of otherwise private property with the government and become an EQUITABLE rather than ABSOLUTE owner of the property before they can acquire the right to regulate its use or impose obligations or duties upon its original owner.

4. That donation ordinarily occurs by applying for and/or using a license in connection with the use of SPECIFIC otherwise PRIVATE property.

5. The process of applying for or using a license and thereby converting PRIVATE into PUBLIC cannot be compelled. If it is, the constitutional violation is called “eminent domain” without compensation or STEALING, in violation of the Fifth Amendment takings clause.

6. You have a PUBLIC persona (office) and a PRIVATE persona (human) at all times.

   6.1. That which you VOLUNTARILY attach a government license number to, such as a Social Security Number or Taxpayer Identification Number, becomes PRIVATE property donated to a public use to procure the benefits of a PUBLIC franchise. That property, in turn, is effectively OWNED by the government grantor of your public persona and the public office it represents.

   6.2. If you were compelled to use a government license number, such as an SSN or TIN, then a theft and taking without compensation has occurred, because all property associated with such numbers was unlawfully converted and STOLEN.

7. If the right to contract of the parties conducting any business transaction has any meaning at all, it implies the right to EXCLUDE the government from participation in their relationship.

   7.1. You can write the contract such that neither party may use or invoke a license number, or complain to a licensing board, about the transaction, and thus the government is CONTRACTED OUT of the otherwise PRIVATE relationship. Consequently, the transaction becomes EXCLUSIVELY PRIVATE and government may not tax or regulate or arbitrate the relationship in any way under the terms of the license franchise.

   7.2. Every consumer of your services has a right to do business with those who are unlicensed. This right is a natural consequence of the right to CONTRACT and NOT CONTRACT. The thing they are NOT contracting with is the GOVERNMENT, and the thing they are not contracting FOR is STATUTORY/FRANCHISE “protection”. Therefore, even those who have applied for government license numbers are NOT obligated to use them in connection with any specific transaction and may not have their licenses suspended or revoked for failure or refusal to use them for a specific transaction.

8. If the government invades the commercial relationship between you and those you do business with by forcing either party to use or invoke the license number or pursue remedies or “benefits” under the license, they are:

   8.1. Interfering with your UNALIENABLE right to contract.

   8.2. Compelling you to donate EXCLUSIVELY PRIVATE property to a PUBLIC use.

   8.3. Exercising unconstitutional eminent domain over your otherwise PRIVATE property.
8.4. Compelling you to accept a public “benefit”, where the “protection” afforded by the license is the “benefit”.

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

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

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

[Federal Civil Trials and Evidence, Rutter Group, 2006, paragraph 8:4993, p. 8K-34]

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

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

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

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

   Correcting Erroneous Information Returns, Form #04.001
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

3. PRESUMING that because you did not rebut evidence connecting you to a public office, then you CONSENT to occupy the office.

4. PRESUMING that ALL of the four contexts for "United States" are equivalent.

5. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal civil law and NOT a STATUTORY "national and citizen of the United States** at birth" per 8 U.S.C. §1401. See the document below:

   Why You are a "national", "state national", and Constitutional but not Statutory Citizen, Form #05.006
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/WhyANational.pdf
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

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

   Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

7. Using the word “citizenship” in place of “nationality” OR “domicile”, and refusing to disclose WHICH of the two they mean in EVERY context.

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

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

   Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002
   DIRECT LINK: http://sedm.org/Forms/05-MemLaw/Domicile.pdf
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

10. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, 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/05-MemLaw/Includes.pdf
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

Proof that There Is a “Straw man”
11. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.

12. Publishing deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The IRS does this with ALL of their publications and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007
DIRECT LINK: http://sedm.org/Forms/05_MemLaw/ReasonableBelief.pdf
FORMS PAGE: http://sedm.org/Forms/FormIndex.htm

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

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

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

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

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

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

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

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

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

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

"When all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another and will become as venal and oppressive as the government from which we separated."

[Thomas Jefferson to Charles Hammond, 1821. ME 15:332]

"What an augmentation of the field for jobbing, speculating, plundering, office-building "trade or business" scam and office-hunting would be produced by an assumption [PRESUMPTION] of all the State powers into the hands of the General Government!"

[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

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

Reasonable Belief About Income Tax Liability, Form #05.017
http://sedm.org/Forms/FormIndex.htm

It ought to be very obvious to the reader that:

1. The rules for converting PRIVATE property to PUBLIC property ought to be consistently, completely, clearly, and unambiguously defined by every government officer you come in contact with, and ESPECIALLY in court. These rules ought to be DEMANDED to be declared EVEN BEFORE you enter a plea in a criminal case.
2. If the government asserts any right over your PRIVATE property, they are PRESUMING they are the LEGAL owner and relegating you to EQUITABLE ownership. This presumption should be forcefully challenged.

3. If they won’t expressly define the rules, or try to cloud the rules for converting PRIVATE property to PUBLIC property, then they are:

   3.1. Defeating the very purpose for which they were established as a “government”. Hence, they are not a true “government” but a de facto private corporation PRETENDING to be a “government”, which is a CRIME under 18 U.S.C. §912.

   3.2. Exercising unconstitutional eminent domain over private property without the consent of the owner and without compensation.

   3.3. Trying to STEAL from you.

   3.4. Violating their fiduciary duty to the public.

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

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

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


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

"sic utere tuo ut alienum non lades"

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

"Compact, n. An agreement or contract between persons, nations, or states. Commonly applied to working agreements between and among states concerning matters of mutual concern. A contract between parties, which creates obligations and rights capable of being enforced and contemplated as such between the parties, in their distinct and independent characters. A mutual consent of parties concerned respecting some property or right that is the object of the stipulation, or something that is to be done or forborne. See also Compact clause; Confederacy; Interstate compact; Treaty." [Black’s Law Dictionary, Sixth Edition, p. 261]
Therefore, one cannot exercise their First Amendment right to legally associate with or contract with a SOCIETY and thereby become a party to the "social compact/contract" without ALSO becoming a STATUTORY "citizen". By statutory citizen, we really mean a domiciliary of a SPECIFIC municipal jurisdiction, and not someone who was born or naturalized in that place. Hence, by STATUTORY citizen we mean a person who:

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

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

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

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

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

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

To apply these concepts, the police enforce the "vehicle code", but most of the vehicle code is a civil franchise that they may NOT enforce without ABUSING the police powers of the state. In recognition of these concepts, the civil provisions of the vehicle code are called "infractions" rather than "crimes". AND, before the civil provisions of the vehicle code may lawfully be enforced against those using the public roadways, one must be a "resident" with a domicile not within the state, but on federal territory where rights don't exist. All civil law attaches to SPECIFIC territory. That is why by applying for a driver's license, most state vehicle codes require that the person must be a "resident" of the state, meaning a person with a domicile within the statutory but not Constitutional "United States", meaning federal territory.
So what the vehicle codes in most states do is mix CRIMINAL and CIVIL and even PRIVATE franchise law all into one title of code, call it the "Vehicle code", and make it extremely difficult for even the most law abiding "citizen" to distinguish which provisions are CIVIL/FRANCHISES and which are CRIMINAL, because they want to put the police force to an UNLAWFUL use enforcing CIVIL rather than CRIMINAL law. This has the practical effect of making the "CODE" not only a deception, but void for vagueness on its face, because it fails to give reasonable notice to the public at large, WHICH specific provisions pertain to EACH subset of the population. That in fact, is why they have to call it “the code”, rather than simply “law”: Because the truth is encrypted and hidden in order to unlawfully expand their otherwise extremely limited civil jurisdiction. The two subsets of the population who they want to confuse and mix together in order to undermine your sovereignty are:

1. Those who consent to the “social compact” by choosing a domicile or residence within a specific municipal jurisdiction. These people are identified by the following statutory terms:
   1.1. Individuals.
   1.2. Residents.
   1.3. Citizens.
   1.4. Inhabitants.
   1.5. PUBLIC officers serving as an instrumentality of the government.

2. Those who do NOT consent to the “social compact” and who therefore are called:
   2.1. Free inhabitants.
   2.2. Nonresidents.
   2.3. Transient foreigners.
   2.4. Sojourners.
   2.5. EXCLUSIVELY PRIVATE human beings beyond the reach of the civil statutes implementing the social compact.

So how can they reach those in constitutional states with the vehicle code who are neither domiciled on federal territory nor representing a public office that is domiciled there? The way they get around the problem of only being able to enforce the CIVIL provisions of the vehicle code against domiciliaries of the federal zone is to:

1. Force those who apply for driver licenses to misrepresent their status so they appear as either statutory citizens or public officers on official business. This is done using the “permanent address” block and requiring a Social Security Number to get a license.

2. Confuse CONSTITUTIONAL “citizens” with STATUTORY “citizens”, to make them appear the same even though they are NOT.

3. Arrest people domiciled in constitutional states for driving WITHOUT a license, even though technically these provisions can only be enforceable against those who are acting as a public officer WHILE driving AND who are STATUTORY but not CONSTITUTIONAL “citizens”. This creates the false appearance that EVERYONE must have a license, rather than only those domiciled on federal territory or representing an office domiciled there.

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

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


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

"Men are endowed by their Creator with certain unalienable rights,- 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. That property or income which a man has honestly acquired he retains full control of, subject to these limitations:"
A PRIVATE right that is unalienable cannot be given away by a citizen, even WITH consent, to a de jure government. Hence, the only people that any government may CIVILLY govern are those without unalienable rights, all of whom MUST therefore be domiciled on federal territory where CONSTITUTIONAL rights do not exist.

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

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

[Valle v. Illinois, 94 U.S. 113 (1876).]

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

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

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

[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]
This gives a WHOLE NEW MEANING to Abraham Lincoln’s Gettysburg Address, in which he refers to American government as:

“A government of the people, by the people, and for the people.”

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

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

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

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

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

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

7.6 The Right to be left alone

The purpose of the Constitution of the United States of America is to confer the “right to be left alone”, which is the essence of being sovereign:

“The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.”


The legal definition of “justice” confirms that its purpose is to protect your right to be “left alone”:

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

“Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue springs from the individual’s respect for his fellows as ends in themselves and as his co equals. The different spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or the possibility of fashioning one’s life as an end in itself. The law defends these different spheres, thus giving rise to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights, to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual’s own life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong.
The Bible also states the foundation of justice by saying:

“Do not strive with [or try to regulate or control or enslave] a man without cause. If he has done you no harm.”

[Prov. 3:30, Bible, NKJV]

And finally, Thomas Jefferson agreed with the above by defining “justice” as follows in his First Inaugural Address:

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

[Thomas Jefferson: 1st Inaugural, 1801. ME 3:320]

Therefore, the word “injustice” means interference with the equal rights of others absent their consent and which constitutes an injury NOT as any law defines it, but as the PERSON who is injured defines it. Under this conception of “justice”, anything done with your consent cannot be classified as “injustice” or an injury.

Those who are “private persons” fit in the category of people who must be left alone as a matter of law:

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

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

IRM 5.14.10.2 (09-30-2004)
Payroll Deduction Agreements

2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements. Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized. [SOURCE: http://sedm.org/Exhibits/EX05.043.pdf]

The U.S. Supreme Court has also held that the ability to regulate what it calls “private conduct” is repugnant to the constitution. It is the differentiation between PRIVATE rights and PUBLIC rights, in fact, that forms the basis for enforcing your right to be left alone:

“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)]

Only by taking on a “public character” or engaging in “public conduct” rather than a “private” character may our actions become the proper or lawful subject of federal or state legislation or regulation.

“One great object of the Constitution is to permit citizens to structure their private relations as they choose subject only to the constraints of statutory or decisional law. [500 U.S. 614, 620]"
To implement these principles, courts must consider from time to time where the governmental sphere [e.g., “public purpose” and “public office”] ends and the private sphere begins. Although the conduct of private parties lies beyond the Constitution’s scope in most instances, governmental authority may dominate an activity to such an extent that its participants must be deemed to act with the authority of the government and, as a result, be subject to constitutional constraints. This is the jurisprudence of state action, which explores the “essential dichotomy” between the private sphere and the public sphere, with all its attendant constitutional obligations. Moose Lodge, supra, at 172."

[...] Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness, must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see Lugar, supra, 457 U.S. at 939, our cases disclose certain principles of general application. Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following: the extent to which the actor relies on governmental assistance and benefits, see Tulsa Professional Collection Services, Inc. v. Pope, 485 U.S. 478 (1988); Burton v. Wilmington Parking Authority, 365 U.S. 715 (1961); whether the actor is performing a traditional governmental function, see Terry v. Adams, 345 U.S. 661 (1953); Marsh v. Alabama, 326 U.S. 501 (1946); cf. San Francisco Arts & Athletics, Inc. v. United States Olympic [500 U.S. 614, 622]; Committee, 483 U.S. 522, 544 -545 (1987); and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see Shelley v. Kraemer, 334 U.S. 1 (1948). Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action.

[Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991)]

The phrase “subject only to the constraints of statutory or decisional law” refers ONLY to statutes or court decisions that pertain to licensed or privileged activities or franchises, all of which:

1. Cause the licensee or franchisee to represent a “public office” and work for the government.
2. Cause the licensee or franchisee to act in a representative capacity as an officer of the government, which is a federal corporation and therefore he or she becomes an “officer or employee of a corporation” acting in a representative capacity. See 26 U.S.C. §6671(b) and 26 U.S.C. §7434, which both define a “person” within the I.R.C. criminal and penalty provisions as an officer or employee of a corporation.
3. Change the effective domicile of the “office” or “public office” of the licensee or franchisee to federal territory pursuant to Federal Rule of Civil Procedure 17(b), 26 U.S.C. §7701(a)(39), and 26 U.S.C. §7408(d).

IV. PARTIES > Rule 17.
(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual’s domicile;
(2) for a corporation for the officers or “public officers” of the corporation, by the law under which it was organized; and
(3) for all other parties, by the law of the state where the court is located, except that:
   (A) a partnership or other unincorporated association with no such capacity under that state’s law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
   (B) 28 U.S.C. §§754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

4. Create a “res” or “office” which is the subject of federal legislation and a “person” or “individual” within federal statutes. For instance, the definition of “individual” within 5 U.S.C. §552(a)(2) reveals that it is a government employee with a domicile in the statutory “United States”, which is federal territory. Notice that the statute below is in Title 5, which is “Government Organization and Employees”, and that “citizens and residents of the United States” share in common a legal domicile on federal territory. An “individual” is an officer of the government, and not a natural man or woman. The office is the “individual”, and not the man or woman who fills it:

TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a
§ 552a. Records maintained on individuals.
(a) Definitions.—For purposes of this section—
(2) the term “individual” means a citizen of the United States or an alien lawfully admitted for permanent residence:

If you don’t maintain a domicile on federal territory, which is called the “United States” in the U.S. Code, or you don’t work for the government by participating in its franchises, then the government has NO AUTHORITY to even keep records on you under the authority of the Privacy Act and you would be committing perjury under penalty of perjury to call yourself an “individual” on a government form. Why? Because you are the sovereign and the sovereign is not the subject of the law, but the author of the law!

“Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it.” [United States v. Cooper Corporation, 312 U.S. 600 (1941)]

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

“Sovereignty itself is, of course, not subject to law for it is the author and source of law;” [Yick Wo v. Hopkins, 118 U.S. 356 (1886)]

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

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

In summary, the only way the government can control you through civil law is to connect you to public conduct or a “public office” within the government executed on federal territory. If they are asserting jurisdiction that you believe they don’t have, it is probably because:

1. You misrepresented your domicile as being on federal territory within the “United States” or the “State of ___” by declaring yourself to be either a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or a statutory “resident” (alien) pursuant to 26 U.S.C. §7701(b)(1)(A). This made you subject to their laws and put you into a privileged state.
2. You filled out a government application for a franchise, which includes government benefits, professional licenses, driver’s licenses, marriage licenses, etc.
3. Someone else filed a document with the government which connected you to a franchise, even though you never consented to participate in the franchise. For instance, IRS information returns such as W-2, 1042S, 1098, and 1099 presumptively connect you to a “trade or business” in the U.S. government pursuant to 26 U.S.C. §6041. A “trade or business” is then defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. The only way to prevent this evidence from creating a liability under the franchise agreement provisions is to rebut it promptly. See: Correcting Erroneous Information Returns, Form #04.001 http://sedm.org/Forms/FormIndex.htm

7.7 The PUBLIC You (straw man) vs. the PRIVATE You (human)

It is extremely important to know the difference between PRIVATE and PUBLIC “persons”, because we all have private and public identities. This division of our identities is recognized in the following maxim of law:

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

The U.S. Supreme Court also recognizes the division of PUBLIC v. PRIVATE:
“A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them.”
[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

“All the powers of the government [including ALL of its civil enforcement powers] against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.

...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon his rights.

“Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights [201 U.S. 43, 75] as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. “
[Hale v. Henkel, 201 U.S. 43 (1906)]

The next time you are in court as a PRIVATE person, here are some questions for the next jury, judge, or government prosecutor trying to enforce a civil obligation upon you as a PRESUMED public officer called a “citizen”, “resident”, “person”, or “taxpayer”:

1. How do you, a PRIVATE human, “OBEY” a law without “EXECUTING” it? We’ll give you a hint: It CAN’T BE DONE!
2. What “public office” or franchise does the government claim to have “created” and therefore have the right to control in the context of my otherwise exclusively PRIVATE property and PRIVATE rights under the Constitution?
3. Who is the “customer” in the context of the IRS: The STATUTORY “taxpayer” public office or the PRIVATE human filling the office?
4. Who gets to define what a “benefit” is in the context of “customers”? Isn’t it the human volunteering to be surety for the “taxpayer” office and not the government grantor of the public office franchise?
5. What if I as the human compelled to become surety for the office define that compulsion as an INJURY rather than a BENEFIT? Does that “end the privilege” and the jurisdiction to tax and regulate?
6. Does the national government claim the right to create franchises within a constitutional state in order to tax them? The Constitution says they CANNOT and that this is an “invasion” within the meaning of Article 4, Section 4 of the Constitution:

“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 licenses, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

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

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

7. Isn’t a judge compelling you to violate your religious beliefs by compelling you to serve in a public office or accept the DUTES of the office? Isn’t this a violation of the First Commandment NOT to serve “other gods”, which can and does mean civil rulers or governments?

But the thing displeased Samuel when they said, “Give us a king to judge us.” So Samuel prayed to the Lord.
And the Lord said to Samuel, “Hear the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them. According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—WITH WHICH THEY HAVE FORSAKEN ME AND SERVED OTHER GODS [Kings, in this case]—SO THEY ARE DOING TO YOU ALSO [GOVERNMENT BECOMING IDOLATRY]. Now therefore, hear their voice. However, you shall solemnly forewarn them, and show them the behavior of the King who will reign over them.”
[1 Sam. 8:6-9, Bible, NKJV]

8. How can one UNILATERALLY ELECT themselves into public office by filling out a government form? The form isn’t even signed by anyone in the government, such as a tax form or social security application, and therefore couldn’t POSSIBLY be a valid contract anyway? Isn’t this a FRAUD upon the United States and criminal bribery, using illegal “withholdings” to bribe someone to TREAT you as a public officer? See 18 U.S.C. §211.

9. How can a judge enforce civil statutory law that only applies to public officers without requiring proof on the record that you are CONSENSUALLY and LAWFULLY engaged in a public office? In other words, that you waived sovereign immunity by entering into a contract with the government.

“It is true, that the person who accepts an office may be supposed to enter into a compact to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act [CONSENT], renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King’s Bench universal in all personal actions.”

[United States v. Worrall, 2 U.S. 384 (1798)]

SOURCE: http://scholar.google.com/scholar_case?case=33398926569697439168

10. Isn’t this involuntary servitude in violation of the Thirteenth Amendment to serve in a public office if you DON’T consent and they won’t let you TALK about the ABSENCE of your consent?

11. Isn’t it a violation of due process of law to PRESUME that you are public officer WITHOUT EVIDENCE on the record from an unbiased witness who has no financial interest in the outcome?

“A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence.”

“[If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law. […] the presumption of innocence under which guilt must be proven by legally obtained evidence and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy).”
12. If the judge won’t enforce the requirement that the government as moving party has the burden of proving WITH EVIDENCE that you were LAWFULLY “appointed or elected” to a public office, aren’t you therefore PRESUMED to be EXCLUSIVELY PRIVATE and therefore beyond the reach of the civil statutory law?

13. Isn’t the judge criminally obstructing justice to interfere with requiring evidence on the record that you lawfully occupy a public office? See 18 U.S.C. §1503, whereby the judge is criminally “influencing” the PUBLIC you.

14. Isn’t an unsupported presumption that prejudices a PRIVATE right a violation of the Constitution and doesn’t the rights that UNCONSTITUTIONAL presumption prejudicially conveys to the government constitute a taking of rights without just compensation in violation of the Fifth Amendment Takings Clause?

15. Don’t the rights that UNCONSTITUTIONAL presumptions prejudicially convey to the government constitute a taking of rights without just compensation in violation of the Fifth Amendment Takings Clause?

16. By what authority does the judge impose federal civil law within a constitutional state of the Union because:

16.1. Constitutional states are legislatively but not constitutionally foreign jurisdiction.

16.2. Federal Rule of Civil Procedure 17(b) requires that those with a domicile outside of federal territory cannot be sued under federal law.


16.4. National franchises and the PRIVATE law that implements them cannot be offered or enforced within constitutional states per License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).

17. Even if we ARE lawfully serving in a public office, don’t we have the right to:

17.1. Be off duty?

17.2. Choose WHEN we want to be off duty?

17.3. Choose WHAT financial transactions we want to connect to the office?

17.4. Be protected in NOT volunteering to connect a specific activity to the public office? Governments LIE by calling something “voluntary” and yet refusing to protect those who do NOT consent to “volunteer”, don’t they?

17.5. Not be coerced to sign up for OTHER, unrelated public offices when we sign up for a single office? For instance, do we have a right not become a FEDERAL officer when we sign up for a STATE “driver license” and “public office” that ALSO requires us to have a Social Security Number to get the license, and therefore to ALSO become a FEDERAL officer at the same time.

If the answer to all the above is NO, then there ARE no PRIVATE rights or PRIVATE property and there IS no “government” because governments only protect PRIVATE rights and private property!

We’d love to hear a jury, judge, or prosecutor address this subject before they hall him away in a straight jacket to the nuthouse because of a completely irrational and maybe even criminal answer.

The next time you end up in front of a judge or government attorney enforcing a civil statute against you, you might want to insist on proof in the record during the process of challenging jurisdiction as a defendant or respondent:

1. WHICH of the two “persons” they are addressing or enforcing against.

2. How the two statuses, PUBLIC v. PRIVATE, became connected.

3. What specific act of EXPRESS consent connected the two. PRESUMPTION alone on the part of government can’t. A presumption that the two became connected WITHOUT consent is an unconstitutional eminent domain in violation of the Fifth Amendment Takings Clause.

In a criminal trial, such a question would be called a “bill of particulars”.

We can handle private and public affairs from the private, but we cannot handle private affairs from the public. The latter is one of the biggest mistakes many people make when trying to handle their commercial and lawful (private) or legal (public) affairs. Those who use PUBLIC property for PRIVATE gain in fact are STEALING and such stealing has always been a crime.
In law, all rights attach to LAND, and all privileges attach to one’s STATUS under voluntary civil franchises. An example of privileged statuses include “taxpayer” (under the tax code), “person”, “individual”, “driver” (under the vehicle code), “spouse” (under the family code). Rights are PRIVATE, PRIVILEGES are PUBLIC.

In our society, the PRIVATE “straw man” was created by the application for the birth certificate. It is a legal person under contract law and under the Uniform Commercial Code (U.C.C.), with capacity to sue or be sued under the common law. It is PRIVATE PROPERTY of the human being described in the birth certificate.

The PUBLIC officer “straw man” (e.g. statutory "taxpayer") was created by the SSA Form SS-5, Application for a Social Security Card. It is a privileged STATUS under an unconstitutional national franchise of the de facto government. It is PROPERTY of the national government. The PUBLIC “straw man” is thoroughly described in:

Proof that There Is a “Straw Man”, Form #05.042
http://sedm.org/Forms/FormIndex.htm

The PRIVATE "John Doe" is a statutory "non-resident alien non-individual" not engaged in the “trade or business”/PUBLIC OFFICER franchise in relation to the PUBLIC. He exists in the republic and is a free inhabitant under the Articles of Confederation. He has inalienable rights and unlimited liabilities. Those unlimited liabilities are described in

The Unlimited Liability Universe
http://famguardian.org/Subjects/Spirituality/Articles/UnlimitedLiabilityUniverse.htm

The PUBLIC “JOHN DOE” is a public office in the government corporation and statutory "U.S. citizen" per 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). He exists in the privileged socialist democracy. He has “benefits”, franchises, obligations, immunities, and limited liability.

In the PRIVATE, money is an ASSET and always in the form of something that has intrinsic value, i.e. gold or silver. Payment for anything is in the form of commercial set off.

In the PUBLIC, money is a LIABILITY or debt and normally takes the form of a promissory note, i.e. an Federal Reserve Note (FRN), a check, bond or note. Payment is in the form of discharge in the future.

The PRIVATE realm is the basis for all contract and commerce under the Uniform Commercial Code (U.C.C.). The PUBLIC realm was created by the bankruptcy of the PRIVATE entity. Generally, creditors can operate from the PRIVATE. PUBLIC entities are all debtors (or slaves). The exercise of the right to contract by the PRIVATE straw man makes human beings into SURETY for the PUBLIC straw man.

Your judicious exercise of your right to contract and the requirement for consent that protects it is the main thing that keeps the PUBLIC separate from the PRIVATE. See:

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

Be careful how you use your right to contract! It is the most DANGEROUS right you have because it can destroy ALL of your PRIVATE rights by converting them to PUBLIC rights and offices.

"These general rules are well settled:

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

(2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas.
All PUBLIC franchises are contracts or agreements and therefore participating in them is an act of contracting.

"It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present." Conversely, a franchise granted without consideration is not a contract binding upon the state, franchisee, or pseudo-franchisee.

[36 American Jurisprudence 2d, Franchises, §6: As a Contract (1999)]

Franchises include Social Security, income taxation ("trade or business"/public office franchise), unemployment insurance, driver licensing ("driver" franchise), and marriage licensing ("spouse" franchise).

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

[Exodus 23:32-33, Bible, NKJV]

Governments become corrupt by:

1. Refusing to recognize the PRIVATE.
2. Undermining or interfering with the invocation of the common law in courts of justice.
3. Allowing false information returns to be abused to convert the PRIVATE into the PUBLIC without the consent of the owner.
4. Destroying or undermining remedies for the protection of PRIVATE rights.
5. Replacing CONSTITUTIONAL courts with LEGISLATIVE FRANCHISE courts.
6. Making judges into statutory franchisees such as "taxpayers", through which they are compelled to have a conflict of interest that ultimately destroys or undermines all private rights. This is a crime and a civil offense in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455.
7. Offering or enforcing government franchises to people not domiciled on federal territory. This breaks down the separation of powers and enforces franchise law extraterritorially.
8. Abusing "words of art" to blur or confuse the separation between the PUBLIC and the PRIVATE. (deception)
9. Removing the domicile prerequisite for participation in government franchises through policy and not law, thus converting them into essentially PRIVATE business ventures that operate entirely through the right to contract.
10. Abusing sovereign immunity to protect PRIVATE government business ventures, thus destroying competition and implementing a state-sponsored monopoly.
11. Refusing to criminally prosecute those who compel participation in government franchises.
12. Turning citizenship into a statutory franchise, and thus causing people who claim citizen status to unwittingly become PUBLIC officers.


Proof that There Is a "Straw man"
13. Allowing presumption to be used as a substitute for evidence in any proceeding to enforce government franchises against an otherwise PRIVATE party. This violates due process of law, unfairly advantages the government, and imputes to the government supernatural powers as an object of religious worship.

Therefore, it is important to learn how to be EXCLUSIVELY PRIVATE and a CREDITOR in all of our affairs. Freedom is possible in the PRIVATE; it is not even a valid fantasy in the realm of the PUBLIC.

Below is a summary:

**Table 4: Public v. Private**

<table>
<thead>
<tr>
<th>#</th>
<th>Characteristic</th>
<th>Private</th>
<th>Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Name</td>
<td>“John Doe”</td>
<td>“JOHN DOE” (idemsonans)</td>
</tr>
<tr>
<td>2</td>
<td>Created by</td>
<td>Birth certificate</td>
<td>Application for SS Card, Form SS-5</td>
</tr>
<tr>
<td>3</td>
<td>Property of</td>
<td>Human being</td>
<td>Government</td>
</tr>
<tr>
<td>4</td>
<td>Protected by</td>
<td>Common law</td>
<td>Statutory franchises</td>
</tr>
<tr>
<td>5</td>
<td>Type of rights exercised</td>
<td>Private rights</td>
<td>Public rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Constitutional rights</td>
<td>Statutory privileges</td>
</tr>
<tr>
<td>6</td>
<td>Rights/privileges attach to</td>
<td>LAND you stand on</td>
<td>Statutory STATUS under a voluntary civil franchise</td>
</tr>
<tr>
<td>7</td>
<td>Courts which protect or</td>
<td>Constitutional courts under Article III in the true Judicial Branch</td>
<td>Legislative administrative franchise courts under Articles 1 and IV in the Executive Branch.</td>
</tr>
<tr>
<td></td>
<td>vindicate rights/privileges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Domiciled on</td>
<td>Private property</td>
<td>Public property/federal territory</td>
</tr>
<tr>
<td>9</td>
<td>Commercial standing</td>
<td>Creditor</td>
<td>Debtor</td>
</tr>
<tr>
<td>10</td>
<td>Money</td>
<td>Gold and silver</td>
<td>Promissory note (debt instrument)</td>
</tr>
<tr>
<td>11</td>
<td>Sovereign being worshipped/obeyed</td>
<td>God</td>
<td>Governments and political rulers (The Beast, Rev. 19:19). Paganism</td>
</tr>
<tr>
<td>12</td>
<td>Purpose of government</td>
<td>Protect PRIVATE rights</td>
<td>Expand revenues and control over the populace and consolidate all rights and sovereignty to itself</td>
</tr>
<tr>
<td>13</td>
<td>Government consists of</td>
<td>Body POLITIC (PRIVATE) and body CORPORATE (PUBLIC)</td>
<td>Body CORPORATE (PUBLIC) only. All those in the body POLITIC are converted into officers of the corporation by abusing franchises.</td>
</tr>
</tbody>
</table>

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

A very important consideration to understand is that:

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

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

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


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

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

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

We will now break the above definition into its three contexts and show what each means.
Table 5: Meanings assigned to "United States" by the U.S. Supreme Court in Hooven & Allison v. Evatt

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

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

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

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

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


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

Debt and contract [franchise agreement, in this case] are of no particular place.
The most important method by which governments exercise their PRIVATE right to contract and dissociate with the territorial limitation upon their lawmaking powers is through the use or abuse of franchises, which are contracts.

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, 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.

[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

7.9 “Political (PUBLIC) law” v. “civil (PRIVATE/COMMON) law”

Within our republican government, the founding fathers recognized three classes of law:

1. Criminal law. Protects both PUBLIC and PRIVATE rights.
2. Civil law. Protects exclusively PRIVATE rights. In effect, it implements ONLY the common law and does not regulate the government at all.

The above three types of law were identified in the following document upon which the founding fathers wrote the constitution and based the design of our republican form of government:

The Spirit of Laws, Charles de Montesquieu, 1758

The Spirit of Laws book is where the founding fathers got the idea of separation of powers and three branches of government: Executive, Legislative, and Judicial. Montesquieu defines “political law” and “political liberty” as follows:

I. A general Idea.

I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall examine in the next.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 1; SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning rights possessed and owned exclusively by the government ONLY.

“And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.

We the People of the United States,' it says, 'do ordain and establish this Constitution.' Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-This Constitution, and the Laws of the United States which shall be made in Pursuance


The vast majority of laws passed by Congress are what Montesquieu calls “political law” that is intended exclusively for the government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2 of the United States Constitution. To wit:

United States Constitution
Article 4, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Tax franchise codes such as the Internal Revenue Code, for instance, are what Montesquieu calls “political law” exclusively for the government or public officer and not the private (CONSTITUTIONAL) citizen. Why? Because:

1. The U.S. Supreme Court identified taxes as a “political matter”. “Political law”, “political questions”, and “political matters” cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated by the Executive and not Judicial branch:

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

[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

2. The U.S. Tax Court:

2.1. Is an Article I Court in the EXECUTIVE and not JUDICIAL branch, and hence, can only officiate over matters INTERNAL to the government. See 26 U.S.C. §7441.
2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Executive branch.
2.3. Is limited to the District of Columbia because all public offices are limited to serve there per 4 U.S.C. §72. It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.

3. The activity subject to excise taxation is limited exclusively to “public offices” in the government, which is what a “trade or business” is statutorily defined as in 26 U.S.C. §7701(a)(26).

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

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

In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the PRIVATE citizen or made to “appear” as though they are “civil law” that applies to everyone:

The Spirit of Laws, Book XXVI, Section 15

15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.
As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.

By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one’s having his property, which was given him by the civil laws, invariably preserved.

Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.

Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.

Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of public law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.

If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.

After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation; and if any one should doubt the truth of this, he need only read Beaumanoir’s admirable work on jurisprudence, written in the twelfth century.

They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road. They determined at that time by the civil law; in our days, we determine by the law of politics.


What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the Declaration of Independence was written:

1. The purpose of establishing government is exclusively to protect PRIVATE rights.
2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.”

3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the CIVIL law.
4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present de facto government, tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to a THEFT and CONFINSCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

The implications of Montesquieu’s position are that the only areas where POLITICAL law and CIVIL law should therefore overlap is in the exercise of the political rights to vote and serve on jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1):

Proof that There Is a “Straw man”
§ 201. Bribery of public officials and witnesses

(a) For the purpose of this section—

(1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.

However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all statutory “Taxpayers” are public officers in the government.

In the days since Montesquieu, the purpose and definition of what he has called the CIVIL law has since been purposefully and maliciously corrupted so that it no longer protects exclusively PRIVATE rights or implements the COMMON law, but rather protects mainly PUBLIC rights and POLITICAL officers in the government. In other words, society has become corrupted by the following means that he warned would happen:

1. What Montesquieu calls CIVIL law has become the POLITICAL law.
2. There is not CIVIL (common) law anymore as he defines it, because the courts interfere with the enforcement of the common law and the protection of PRIVATE rights.
3. The purpose of government has transformed from protecting mainly PRIVATE rights using the common law to that of protecting PUBLIC rights using the STATUTE law, which in turn has become exclusively POLITICAL law.
4. All those who insist on remaining exclusively private cannot utilize any government service, because the present government forms refuse to recognize such a status or provide services to those with such status.
5. Everyone who wants to call themselves a “citizen” is no longer PRIVATE, but PUBLIC. “citizen” has become a public officer in the government rather than a private human being.
6. All “citizens” are STATUTORY rather than CONSTITUTIONAL in nature.
   6.1. There are no longer any CONSTITUTIONAL citizens because the courts refuse to recognize or protect them.
   6.2. People are forced to accept the duties of a statutory “citizen” and public officer to get any remedy at all in court or in any government agency.

The above transformations are documented in the following memorandum of law on our site:

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

7.10 Lawful methods for converting PRIVATE property into PUBLIC property

Next, we must carefully consider all the rules by which EXCLUSIVELY PRIVATE property is lawfully converted into PUBLIC property subject to government control or civil regulation. These rules are important, because the status of a particular type of property as either PRIVATE or PUBLIC determines whether either COMMON LAW or STATUTORY LAW apply respectively.

In general, only by either accepting physical property from the government or voluntarily applying for and claiming a status or right under a government franchise can one procure a PUBLIC status and be subject to STATUTORY civil law. If one wishes to be governed ONLY by the common law, then they must make their status very clear in every interaction with the government and on EVERY government form they fill out so as to avoid connecting them to any statutory franchise.

Below is a detailed list of the rules for converting PRIVATE property to PUBLIC property:

1. The purpose for establishing governments is mainly to protect private property. The Declaration of Independence affirms this:

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

[Declaration of Independence, 1776]

2. Government protects private rights by keeping “public [government] property” and “private property” separate and never allowing them to be joined together. This is the heart of the separation of powers doctrine: separation of what is private from what is public with the goal of protecting mainly what is private. See:

   **Government Conspiracy to Destroy the Separation of Powers, Form #05.023**
   
   [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

3. All property BEGINS as private property. The only way to lawfully change it to public property is through the exercise of your unalienable constitutional right to contract. All franchises qualify as a type of contract, and therefore, franchises are one of many methods to lawfully convert PRIVATE property to PUBLIC property. The exercise of the right to contract, in turn, is an act of consent that eliminates any possibility of a legal remedy of the donor against the donee:

   "Volunti non fit injuria.
   He who consents cannot receive an injury. 2 Bov. Inst. n. 2279, 2327; 4 T. R. 657; Shelf. on mar. & Div. 449.
   
   Consensus tollit errorem.
   Consent removes or obviates a mistake. Co. Litt. 126.
   
   Melius est omnia mala pati quam malo concentire.
   It is better to suffer every wrong or ill, than to consent to it. 3 Co. Inst. 23.
   
   Nemo videtur fraudare eos qui scient, et consentiant.
   One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145."

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

4. In law, all rights are “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 everyone 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, Tex.Civ-App., 495 S.W.2d. 607, 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. Hoffmann v. Kinealy, Mo., 389 S.W.2d. 745, 752.

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


   By protecting your constitutional rights, the government is protecting your PRIVATE property. Your rights are private property because they came from God, not from the government. Only what the government creates can become public property. An example is corporations, which are a public franchise that makes officers of the corporation into public officers.

5. The process of taxation is the process of converting “private property” into a “public use” and a “public purpose”. Below are definitions of these terms for your enlightenment.

---

*Proof that There Is a “Straw man”*

Copyright Sovereignty Education and Defense Ministry, [http://sedm.org](http://sedm.org)

Form 05.042, Rev. 8-6-2013

EXHIBIT:________
Public use. Eminent domain. The constitutional and statutory basis for taking property by eminent domain. For condemnation purposes, “public use” is one which confers some benefit or advantage to the public; it is not confined to actual use by public. It is measured in terms of right of public to use proposed facilities for which condemnation is sought and, as long as public has right of use, whether exercised by one or many members of public, a “public advantage” or “public benefit” accrues sufficient to constitute a public use.

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

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

“The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of a State or elsewhere, except in cases where it is delegated, and the court denies the faculty of the Federal Government to add to its powers by treaty or compact.” [Dred Scott v. Sanford, 60 U.S. 393, 508-509 (1856)]
If the conversion of private property to public property is done without the express consent of the party affected by the conversion and without compensation, then the following violations have occurred:

7.1. Violation of the Fifth Amendment “takings clause” above.


7.3. Theft.

8. Because taxation involves converting private property to a public use, public purpose, and public office, then it involves eminent domain if the owner of the property did not expressly consent to the taking:

Eminent domain. The power to take private property for public use by the state, municipalities, and private persons or corporations authorized to exercise functions of public character. Housing Authority of Cherokee National of Oklahoma v. Langley, Okl., 555 P.2d. 1025, 1028. Fifth Amendment, U.S. Constitution.

In the United States, the power of eminent domain is founded in both the federal (Fifth Amend.) and state constitutions. However, the Constitution limits the power to take for a public purpose and prohibits the exercise of the power of eminent domain without just compensation to the owners of the property which is taken. The process of exercising the power of eminent domain is commonly referred to as “condemnation”; or, “expropriation”.

The right of eminent domain is the right of the state, through its regular organization, to reassert, either temporarily or permanently, its dominion over any portion of the soil of the state on account of public exigency and for the public good. Thus, in time of war or insurrection, the proper authorities may possess and hold any part of the territory of the state for the common safety; and in time of peace the legislature may authorize the appropriation of the same to public purposes, such as the opening of roads, construction of defenses, or providing channels for trade or travel. Eminent domain is the highest and most exact idea of property remaining in the government, or in the aggregate body of the people in their sovereign capacity. It gives a right to resume the possession of the property in the manner directed by the constitution and the laws of the state, whenever the public interest requires it.

See also Adequate compensation; Condemnation; Constructive taking; Damages; Expropriation; Fair market value; Just compensation; Larger parcel; Public use; Take.


9. The Fifth Amendment requires that any taking of private property without the consent of the owner must involve compensation. The Constitution must be consistent with itself. The taxation clauses found in Article 1, Section 8, Clauses 1 and 3 cannot conflict with the Fifth Amendment. The Fifth Amendment contains no exception to the requirement for just compensation upon conversion of private property to a public use, even in the case of taxation. This is why all taxes must be indirect excise taxes against people who provide their consent by applying for a license to engage in the taxed activity: The application for the license constitutes constructive consent to donate the fruits of the activity to a public use, public purpose, and public office.

10. There is only ONE condition in which the conversion of private property to public property does NOT require compensation, which is when the owner donates the private property to a public use, public purpose, or public office. To wit:

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

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

The above rules are summarized below:
Table 6: Rules for converting private property to a public use or a public office

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

11. The following two methods are the ONLY methods involving consent of the owner that may be LAWFULLY employed to convert PRIVATE property into PUBLIC property. Anything else is unlawful and THEFT:

11.1. DIRECT CONVERSION: Owner donates the property by conveying title or possession to the government.62

11.2. INDIRECT CONVERSION: Owner assumes a PUBLIC status as a PUBLIC officer in the HOLDING of title to the property.63 All such statuses and the rights that attach to it are creations and property of the government, the use of which is a privilege. The status and all PUBLIC RIGHTS that attach to it conveys a “benefit” for which the status user must pay an excise tax. The tax acts as a rental or use fee for the status, which is government property.

12. You and ONLY you can authorize your private property to be donated to a public use, public purpose, and public office. No third party can lawfully convert or donate your private property to a public use, public purpose, or public office without your knowledge and express consent. If they do, they are guilty of theft and conversion, and especially if they are acting in a quasi-governmental capacity as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16).

12.1. A withholding agent cannot file an information return connecting your earnings to a “trade or business” without you actually occupying a “public office” in the government BEFORE you filled out any tax form.

12.2. A withholding agent cannot file IRS Form W-2 against your earnings if you didn’t sign an IRS Form W-4 contract and thereby consent to donate your private property to a public office in the U.S. government and therefore a “public use”.

12.3. That donation process is accomplished by your own voluntary self-assessment and ONLY by that method. Before such a self-assessment, you are a “nontaxpayer” and a private person. After the assessment, you become a “taxpayer” and a public officer in the government engaged in the “trade or business” franchise.

12.4. In order to have an income tax liability, you must complete, sign, and “file” an income tax return and thereby assess yourself:

“Our system of taxation is based upon voluntary assessment and payment, not distraint.”

By assessing yourself, you implicitly give your consent to allow the public the right to control that use of the formerly PRIVATE property donated to a public use.

---

62 An example of direct conversion would be the process of “registering” a vehicle with the Department of Motor Vehicles in your state. The act of registration constitutes consent by original ABSOLUTE owner to change the ownership of the property from ABSOLUTE to QUALIFIED and to convey legal title to the state and qualified title to himself.

63 An example of a PUBLIC status is statutory “taxpayer” (public office called “trade or business”), statutory “citizen”, statutory “driver” (vehicle), statutory voter (registered voters are public officers).
A THEFT of property has occurred on behalf of the government if it attempts to do any of the following:

1. Circumvents any of the above rules.
2. Blurs, confuses, or obfuscates the distinction between PRIVATE property and PUBLIC property.
3. Refuses to identify EXACTLY which of the mechanisms identified in item 10 above was employed in EACH specific case where it:
   3.1. Asserts a right to regulate the use of private property.
   3.2. Asserts a right to convert the character of property from PRIVATE to PUBLIC.
   3.3. Asserts a right to TAX what you THOUGHT was PRIVATE property.

The next time someone from the government asserts a tax obligation, you might want to ask them the following very insightful questions based on the content of this section:

1. Please describe at EXACTLY what point in the taxation process my earnings were LAWFULLY converted from EXCLUSIVELY PRIVATE to PUBLIC and thereby became SUBJECT to civil statutory law and government jurisdiction. Check one or more. If none are checked, it shall CONCLUSIVELY be PRESUMED that no tax is owed:
   1.1. There is no private property. EVERYTHING belongs to us and we just “RENT” it to you through taxes. Hence, we are NOT a “government” because there is not private property to protect. Everything is PUBLIC property by default.
   1.2. When I was born?
   1.3. When I became a CONSTITUTIONAL citizen?
   1.4. When I changed my domicile to a CONSTITUTIONAL and not STATUTORY “State”.
   1.5. When I indicated “U.S. citizen” or “U.S. resident” on a government form, and the agent accepting it FALSELY PRESUMED that meant I was a STATUTORY “national and citizen of the United States” per 8 U.S.C. §1401 rather than a CONSTITUTIONAL “citizen of the United States”.
   1.6. When I disclosed and used a Social Security Number or Taxpayer Identification Number to my otherwise PRIVATE employer?
   1.7. When I submitted my withholding documents, such as IRS Forms W-4 or W-8?
   1.8. When the information return was filed against my otherwise PRIVATE earnings that connected my otherwise PRIVATE earnings to a PUBLIC office in the national government?
   1.9. When I FAILED to rebut the false information return connecting my otherwise PRIVATE earnings to a PUBLIC office in the national government?
   1.10. When I filed a “taxpayer” form, such as IRS Forms 1040 or 1040NR?
   1.11. When the IRS or state did an assessment under the authority if 26 U.S.C. §6020(b).
   1.12. When I failed to rebut a collection notice from the IRS?
   1.13. When the IRS levied monies from my EXCLUSIVELY private account, which must be held by a PUBLIC OFFICER per 26 U.S.C. §6331(a) before it can lawfully be levied?
   1.14. When the government decided they wanted to STEAL my money and simply TOOK it, and were protected from the THEFT by a complicit Department of Justice, who split the proceeds with them?
   1.15. When I demonstrated legal ignorance of the law to the government sufficient to overlook or not recognize that it is impossible to convert PRIVATE to PUBLIC without my consent, as the Declaration of Independence requires.

2. How can the conversion from PRIVATE to PUBLIC occur without my consent and without violating the Fifth Amendment Takings Clause?
3. If you won’t answer the previous questions, how the HELL am I supposed to receive constitutionally mandated “reasonable notice” of the following:
   3.1. EXACTLY what property I exclusively own and therefore what property is NOT subject to government taxation or regulation?
   3.2. EXACTLY what conduct is expected of me by the law?
4. EXACTLY where in your publications is the first question answered and why should I believe it if even you refuse to take responsibility for the accuracy of said publications?
5. EXACTLY where in the statutes and regulations is the first question answered?
6. How can you refuse to answer the above questions if your own mission statement says you are required to help people obey the law and comply with the law?
7.11 Unlawful methods abused by government to convert PRIVATE property to PUBLIC property

There are a LOT more ways to UNLAWFULLY convert PRIVATE property to PUBLIC property than there are ways to do it lawfully. This section will address the most prevalent methods abused by state actors so that you will immediately recognize them when you are victimized by them. For the purposes of this section CONTROL and OWNERSHIP are synonymous. Hence, if the TITLE of the property remains in your name but there is any aspect of control over the USE of said property that does not demonstrably injure others, then the property ceases to be absolutely owned and therefore is owned by the government.

Based on the previous section, there is ONLY one condition in which PRIVATE property can be converted to PUBLIC property without the consent of the owner, which is when it is used to INJURE the rights of others. Any other type of conversion is THEFT. The U.S. Supreme Court describes that process of illegally CONVERTING property from PRIVATE to PUBLIC as follows. Notice that they only reference the “citizen” as being the object of regulation, which implies that those who are “nonresidents” and “transient foreigners” are beyond the control of those governments in whose territory they have not chosen a civil domicile:

"The doctrine that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lade — is the rule by which every member of society must possess and enjoy his property; and all legislation essential to secure this common and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming necessity to prevent a public calamity, the power of the State over the property of the citizen [NOT EVERYONE, but only those consent to become citizens by choosing a domicile] does not extend beyond such limits."

[McKown v. Illinois, 94 U.S. 113 (1876)]

Below is a list of the more prevalent methods abused by corrupt and covetous governments to illegally convert PRIVATE property to PUBLIC PROPERTY without the express consent of the owner. Many of these techniques are unrecognizable to the average American and therefore surreptitious, which is why they continue to be abused so regularly and chronically by public dis-servants:

1. Deceptively label statutory PRIVILEGES as RIGHTS.
2. Confuse STATUTORY citizenship with CONSTITUTIONAL citizenship.
3. Refuse to admit that the court you are litigating in is a FRANCHISE court that has no jurisdiction over non-franchisees or people who do not consent to the franchise.
4. Abuse the words “includes” and “including” to add anything they want to the definition of “person” or “individual” within the franchise. All such “persons” are public officers and not private human beings. See:
   
   Meaning of the Words “includes” and “including”, Form #05.014
   
   http://sedm.org/Forms/FormIndex.htm

5. Refuse to impose the burden of proof upon the government to show that you EXPRESSLY CONSENTED to convert PRIVATE property into PUBLIC property BEFORE they can claim jurisdiction over it.
6. Silently PRESUME that the property in question is PUBLIC property connected with the “trade or business” (public office per 26 U.S.C. §7701(a)(26)) franchise and force you to prove that it ISN’T by CHALLENGING false information returns filed against it, such as IRS Forms W-2, 1098, 1099, and K-1. See:
   
   Correcting Erroneous Information Returns, Form #04.001
   
   http://sedm.org/Forms/FormIndex.htm

7. Presume that the STATUTORY and CONSTITUTIONAL contexts for geographical words are the same. They are NOT, and in fact are mutually exclusive.
8. Presume that because you submitted an application for a franchise, that you:
   
   8.1. CONSENTED to the franchise and were not under duress.
   
   8.2. Were requesting a “benefit” and therefore agreed to the obligations associated with the “benefit”.

   CALIFORNIA CIVIL CODE
   DIVISION 3. OBLIGATIONS
   PART 2. CONTRACTS
   CHAPTER 3. CONSENT
   Section 1589
   
   1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.
8.3. Agree to accept the obligations associated with the status described on the application, such as “taxpayer”, “driver”, “spouse”.

If you want to prevent the above, reserve all your rights on the application, indicate duress, and define all terms on the form as NOT connected with any government or statutory law.

9. PRESUME that the OWNER has a civil statutory status that he or she did not consent to, such as:

9.1. “spouse” under the family code of your state, which is a franchise.

9.2. “driver” under the vehicle code of your state, which is a franchise.

9.3. “taxpayer” under the tax code of your state, which is a franchise.

10. PRESUME in the case of physical PROPERTY that is was situated on federal territory to which the general and exclusive jurisdiction of the national government applies, even though it is not. This is primarily done by playing word games with geographical “words of art” such as “State” and “United States”.

11. Refuse to satisfy the burden of proving that the owner of the property expressly consented in a manner that he/she prescribed to change the status of either himself or the property over which they claim a public interest.

12. Judges will interfere with attempts to introduce evidence in the proceeding that challenges any of the above presumptions.

13. Unlawfully compel the use of Social Security Numbers or Taxpayer Identification Numbers in violation of 42 U.S.C. §408(a)(8) in connection with specific property as a precondition of rendering a usually essential service. It will be illegally compelled because:

13.1. The party against whom it was compelled was not a statutory “Taxpayer” or “person” or “individual” or to whom a duty to furnish said number lawfully applies.

13.2. The property was not located on territory subject to the territorial jurisdiction of that national government.

14. Use one franchisee as a way to recruit franchisees under OTHER franchises that are completely unrelated. For instance, they will enact a vehicle code statute that allows for confiscation of REGISTERED vehicles only that are being operated by UNLICENSED drivers. That way, everyone who wants to protect their vehicle also indirectly has to ALSO become a statutory “driver” using the public road ways for commercial activity and thus subject to regulation by the state, even though they in fact ARE NOT intending to do so.

15. Issue a license and then refuse to recognize the authority and ability in court of those possessing said license to act in an EXCLUSIVELY PRIVATE capacity. For instance:

15.1. They may have a contractor’s license but they are NOT allowed to operate as OTHER than a licensed contractor…OR are NOT allowed to operate in an exclusively PRIVATE capacity.

15.2. They may have a vehicle registration but are NOT allowed to remove it or NOT use it during times when they are NOT using the public roadways for hire, which is most of the time. In other words, the vehicle is the equivalent to “off duty” at some times. They allow police officers, who are PUBLIC officers, to be off duty, but not anyone who DOESN’T work for the government.

16. Issue or demand GOVERNMENT ID and then presume that the applicant is a statutory “resident” for ALL purposes, rather than JUST the specific reason the ID was issued. Since a “resident” is a public officer, in effect they are PRESUMING that you are a public officer 24 hours a day, 7 days a week, and that you HAVE to assume this capacity without pay or “benefit” and without the ability to quit. See:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002, Section 13.4
http://sedm.org/Forms/FormIndex.htm

What all of the above government abuses have in common is that they do one or more of the following:

1. Involve PRESUMPTIONS which violate due process of law and are therefore UNCONSTITUTIONAL. See:

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

2. Refuse to RECOGNIZE the existence of PRIVATE property or PRIVATE rights.

3. Violate the very purpose of establishing government to begin with, which is to PROTECT PRIVATE property by LEAVING IT ALONE and not regulating or benefitt from its use or abuse until AFTER it has been used to injure the equal rights of anyone OTHER than the original owner.

4. Violate the Unconstitutional Conditions Doctrine of the U.S. Supreme Court.

5. Needlessly interfere with the ownership or control of otherwise PRIVATE property.

6. Often act upon property BEFORE it is used to institute an injury, instead of AFTER. Whenever the law acts to PREVENT future harm rather than CORRECT past harm, it requires the consent of the owner. The common law itself only provides remedies for PAST harm and cannot act on future conduct, except in the case of injunctions where PAST harm is already demonstrated.

7. Institute involuntary servitude against the owner in violation of the Thirteenth Amendment.
8. Represent an eminent domain over PRIVATE property in violation of the state constitution in most states.

9. Violate the takings clauses of the Fifth Amendment to the United States Constitution.

10. Violate the maxim of law that the government has a duty to protect your right to NOT receive a “benefit” and NOT pay for “benefits” that you don’t want or don’t need.

*Invito beneficium non datur.*

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

*Quilibet potest renunciare juri pro se inducto.*

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

*Inst. n. 83.*


It ought to be obvious to the reader that the basis for Socialism is public ownership of ALL property.

“Socialism, n (1839) 1: any of various economic and political theories advocating collective or governmental ownership and administration of the means of production and distribution of goods 2 a: a system of society or group living in which there is no private property b: a system or condition of society in which the means of production are owned and controlled by the state 3: a stage of society in Marxist theory transitional between capitalism and communism and distinguished by unequal distribution of goods and pay according to work done.” [Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1118]

Any system of law that recognizes no absolute and inviolable constitutional boundary between PRIVATE property and PUBLIC property, or which regards ALL property as being subject to government taxation and/or regulation is a socialist or collectivist system. That socialist system is exhaustively described in the following:

**Socialism: The New American Civil Religion, Form #05.016**

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

Below is how the U.S. Supreme Court characterizes efforts to violate the rules for converting PRIVATE property into PUBLIC property listed above and thereby STEAL PRIVATE property. The text below the following line up to the end of the section comes from the case indicated:

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

The question presented, therefore, is one of the greatest importance, — whether it is within the competency of a State to fix the compensation which an individual may receive for the use of his own property in his private business, and for his services in connection with it.

[. . .]

139*139 The validity of the legislation was, among other grounds, assailed in the State court as being in conflict with that provision of the State Constitution which declares that no person shall be deprived of life, liberty, or property without due process of law, and with that provision of the Fourteenth Amendment of the Federal Constitution which imposes a similar restriction upon the action of the State. The State court held, in substance, that the constitutional provision was not violated so long as the owner was not deprived of the title and possession of his property; and that it did not deny to the legislature the power to make all needful rules and regulations respecting the use and enjoyment of the property, referring, in support of the position, to instances of its action in prescribing the interest on money, in establishing and regulating public ferries and public mills, and fixing the compensation in the shape of tolls, and in delegating power to municipal bodies to regulate the charges of hackmen and draymen, and the weight and price of bread. In this court the legislation was also assailed on the same ground, our jurisdiction arising upon the clause of the Fourteenth Amendment, ordaining that no State shall deprive any person of life, liberty, or property without due process of law. But it would seem from its opinion that the court holds that property loses something of its private character when employed in such a way as to be generally useful. The doctrine declared is that property "becomes clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large;" and from such clothing the right of the legislature is deduced to control
the use of the property, and to determine the compensation which the owner may receive for it. When Sir Matthew Hale, and the sages of the law in his day, spoke of property as affected by a public interest, and ceasing from that cause to be juris privati solely, that is, ceasing to be held merely in private right, they referred to property dedicated by the owner to public uses, or to property the use of which was granted by the government, or in connection with which special privileges were conferred. Unless the property was thus dedicated, or some right bestowed by the government was held with the property, either by specific grant or by prescription of so long a time as 140*140 to imply a grant originally, the property was not affected by any public interest so as to be taken out of the category of property held in private right. But it is not in any such sense that the terms "clothing property with a public interest" are used in this case. From the nature of the business under consideration — the storage of grain — which, in any sense in which the words can be used, is a private business, in which the public are interested only as they are interested in the storage of other products of the soil, or in articles of manufacture, it is clear that the court intended to declare that, whenever one devotes his property to a business which is useful to the public, — "affects the community at large," — the legislature can regulate the compensation which the owner may receive for its use, and for his own services in connection with it. "When, therefore," says the court, "one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The building used by the defendants was for the storage of grain: in such storage, says the court, the public has an interest; therefore the defendants, by devoting the building to that storage, have granted the public an interest in that use, and must submit to have their compensation regulated by the legislature.

If this be sound law, if there be no protection, either in the principles upon which our republican government is founded, or in the prohibitions of the Constitution against such invasion of private rights, all property and all business in the State are held at the mercy of a majority of its legislature. The public has no greater interest in the use of buildings for the storage of grain than it has in the use of buildings for the residences of families, nor, indeed, anything like so great an interest; and, according to the doctrine announced, the legislature may fix the rent of all tenements used for residences, without reference to the cost of their erection. If the owner does not like the rates prescribed, he may cease renting his houses. He has granted to the public, says the court, an interest in the use of the 141*141 buildings, and "he may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control." The public is interested in the manufacture of cotton, woollen, and silken fabrics, in the construction of machinery, in the printing and publication of books and periodicals, and in the making of utensils of every variety, useful and ornamental; indeed, there is hardly an enterprise or business engaging the attention and labor of any considerable portion of the community, in which the public has not an interest in the sense in which that term is used by the court in its opinion; and the doctrine which allows the legislature to interfere with and regulate the charges which the owners of property thus employed shall make for its use, that is, the rates at which all these different kinds of business shall be carried on, has never before been asserted, so far as I am aware, by any judicial tribunal in the United States.

The doctrine of the State court, that no one is deprived of his property, within the meaning of the constitutional inhibition, so long as he retains its title and possession, and the doctrine of this court, that, whenever one’s property is used in such a manner as to affect the community at large, it becomes by that fact clothed with a public interest, and ceases to be juris privati only, appear to me to destroy, for all useful purposes, the efficacy of the constitutional guaranty. All that is beneficial in property arises from its use, and the fruits of that use; and whatever deprives a person of them deprives him of all that is desirable or valuable in the title and possession. If the constitutional guaranty extends no further than to prevent a deprivation of title and possession, and allows a deprivation of use, and the fruits of that use, it does not merit the encomiums it has received. Unless I have misread the history of the provision now incorporated into all our State constitutions, and by the Fifth and Fourteenth Amendments into our Federal Constitution, and have misunderstood the interpretation it has received, it is not thus limited in its scope, and thus impotent for good. It has a much more extended operation than either court, State, or Federal has given to it. The provision, it is to be observed, places property under the same protection as life and liberty. Except by due process of law, no State can 142*142 deprive any person of either. The provision has been supposed to secure to every individual the essential conditions for the pursuit of happiness; and for that reason has not been heretofore, and should never be, construed in any narrow or restricted sense.

No State "shall deprive any person of life, liberty, or property without due process of law," says the Fourteenth Amendment to the Constitution. By the term "life," as here used, something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by the amputation of an arm or leg, or the putting out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world. The deprivation not only of life, but of whatever
God has given to everyone with life, for its growth and enjoyment, is prohibited by the provision in question, if its efficacy be not frittered away by judicial decision.

By the term "liberty," as used in the provision, something more is meant than mere freedom from physical restraint or the bounds of a prison. It means freedom to go where one may choose, and to act in such manner, not inconsistent with the equal rights of others, as his judgment may dictate for the promotion of his happiness; that is, to pursue such callings and avocations as may be most suitable to develop his capacities, and give to them their highest enjoyment.

The same liberal construction which is required for the protection of life and liberty, in all particulars in which life and liberty are of any value, should be applied to the protection of private property. If the legislature of a State, under pretense of providing for the public good, or for any other reason, can determine, against the consent of the owner, the uses to which private property shall be devoted, or the prices which the owner shall receive for its uses, it can deprive him of the property as completely as by a special act for its confiscation or destruction. If, for instance, the owner is prohibited from using his building for the purposes for which it was designed, it is of little consequence that he is permitted to retain the title and possession; or, if he is compelled to take as compensation for its use less than the expenses to which he is subjected by its ownership, he is, for all practical purposes, deprived of the property, as effectually as if the legislature had ordered his forcible dispossess. If it be admitted that the legislature has any control over the compensation, the extent of that compensation becomes a mere matter of legislative discretion. The amount fixed will operate as a partial destruction of the value of the property, if it fall below the amount which the owner would obtain by contract, and, practically, as a complete destruction, if it be less than the cost of retaining its possession. There is, indeed, no protection of any value under the constitutional provision, which does not extend to the use and income of the property, as well as to its title and possession.

This court has heretofore held in many instances that a constitutional provision intended for the protection of rights of private property should be liberally construed. It has so held in the numerous cases where it has been called upon to give effect to the provision prohibiting the States from legislation impairing the obligation of contracts; the provision being construed to secure from direct attack not only the contract itself, but all the essential incidents which give it value and enable its owner to enforce it. Thus, in Bronson v. Kinzie, reported in the 1st of Howard, it was held that an act of the legislature of Illinois, giving to a mortgagor twelve months within which to redeem his mortgaged property from a judicial sale, and prohibiting its sale for less than two-thirds of its appraised value, was void as applied to mortgages executed prior to its passage. It was contended, in support of the act, that it affected only the remedy of the mortgagee, and did not impair the contract; but the court replied that there was no substantial difference between a retrospective law declaring a particular contract to be abrogated and void, and one which took away all remedy to enforce it, or encumbered the remedy with conditions that rendered it useless or impracticable to pursue it. And, referring to the constitutional provision, the court said, speaking through Mr. Chief Justice Taney, that

"it would be unjust to the memory of the distinguished men who framed it, to suppose that it was designed to protect a mere barren and abstract right, without any practical operation upon the business of life. It was undoubtedly adopted as a part of the Constitution for a great and useful purpose. It was to maintain the integrity of contracts, and to secure their faithful execution throughout this Union, by placing them under the protection of the Constitution of the United States. And it would ill become this court, under any circumstances, to depart from the plain meaning of the words used, and to sanction a distinction between the right and the remedy, which would render this provision illusive and nugatory, mere words of form, affording no protection and producing no practical result."

And in Pumpelly v. Green Bay Company, 13 Wall. 177, the language of the court is equally emphatic. That case arose in Wisconsin, the constitution of which declares, like the constitutions of nearly all the States, that private property shall not be taken for public use without just compensation; and this court held that the flooding of one's land by a dam constructed across a river under a law of the State was a taking within the prohibition, and required compensation to be made to the owner of the land thus flooded. The court, speaking through Mr. Justice Miller, said: —

"It would be a very curious and unsatisfactory result, if, in construing a provision of constitutional law, always understood to have been adopted for protection and security to the rights of the individual as against the government, and which has received the commendation of jurists, statesmen, and commentators, as placing the just principles of the common law on that subject beyond the power of ordinary legislation to change or control them, it shall be held that, if the government refrains from the absolute conversion of real property to the uses of the public, it can destroy its value entirely, can inflict irreparable and permanent injury to any extent, can, in effect, subject it to total destruction without making any compensation, because, in the narrowest sense of the word, it is not taken for the public use. Such a construction would pervert the constitutional provision into a restriction on the rights of the citizen, as those rights stood at the common law, instead of the government.
The views expressed in these citations, applied to this case, would render the constitutional provision invoked by the defendants effectual to protect them in the uses, income, and revenues of their property, as well as in its title and possession. The construction actually given by the State court and by this court makes the provision, in the language of Taney, a protection to "a mere barren and abstract right, without any practical operation upon the business of life," and renders it "illusive and nugatory, mere words of form, affording no protection and producing no practical result."

The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State may take his property for public uses, upon just compensation being made therefor. It may take a portion of his property by way of taxation for the support of the government. It may control the use and possession of his property, so far as may be necessary for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property. The doctrine that each one must so use his own as not to injure his neighbor — sic utere tuo ut alienum non lædas — is the rule by which every member of society must possess and enjoy his property; and all legislation essential to secure this common and equal enjoyment is a legitimate exercise of State authority. Except in cases where property may be destroyed to arrest a conflagration or the ravages of pestilence, or be taken under the pressure of an immediate and overwhelming necessity to prevent a public calamity, the power of the State over the property of the citizen does not extend beyond such limits.

It is true that the legislation which secures to all protection in their rights, and the equal use and enjoyment of their property, embraces an almost infinite variety of subjects. Whatever affects the peace, good order, morals, and health of the community, comes within its scope; and every one must use and enjoy his property subject to the restrictions which such legislation imposes. What is termed the police power of the State, which, from the language often used respecting it, one would suppose to be an undefined and irresponsible element in government, can only interfere with the conduct of individuals in their intercourse with each other, and in the use of their property, so far 146*146 as may be required to secure these objects. The compensation which the owners of property, not having any special rights or privileges from the government in connection with it, may demand for its use, or for their own services in union with it, forms no element of consideration in prescribing regulations for that purpose. If one construct a building in a city, the State, or the municipality exercising a delegated power from the State, may require its walls to be of sufficient thickness for the uses intended; it may forbid the employment of inflammable materials in its construction, so as not to endanger the safety of his neighbors; if designed as a theatre, church, or public hall, it may prescribe ample means of egress, so as to afford facility for escape in case of accident; it may forbid the storage in it of powder, nitro-glycerine, or other explosive material; it may require its occupants daily to remove decayed vegetable and animal matter, which would otherwise accumulate and engender disease; it may exclude from it all occupations and business calculated to disturb the neighborhood or infect the air. Indeed, there is no end of regulations with respect to the use of property which may not be legitimately prescribed, having for their object the peace, good order, safety, and health of the community, thus securing to all the equal enjoyment of their property; but in establishing these regulations it is evident that compensation to the owner for the use of his property, or for his services in union with it, is not a matter of any importance: whether it be one sum or another does not affect the regulation, either in respect to its utility or mode of enforcement. One may go, in like manner, through the whole round of regulations authorized by legislation, State or municipal, under what is termed the police power, and in no instance will he find that the compensation of the owner for the use of his property has any influence in establishing them. It is only where some right or privilege is conferred by the government or municipality upon the owner, which he can use in connection with his property, or by means of which the use of his property is rendered more valuable to him, or he thereby enjoys an advantage over others, that the compensation to be received by him becomes a legitimate matter of regulation. Submission to the regulation of compensation in such cases is an implied condition 147*147 of the grant, and the State, in exercising its power of prescribing the compensation, only determines the conditions upon which its concession shall be enjoyed. When the privilege ends, the power of regulation ceases.

Jurists and writers on public law find authority for the exercise of this police power of the State and the numerous regulations which it prescribes in the doctrine already stated, that everyone must use and enjoy his property consistently with the rights of others, and the equal use and enjoyment by them of their property. "The police power of the State," says the Supreme Court of Vermont, "extends to the protection of the lives, limbs, health, comfort, and quiet of all persons, and the protection of all property in the State. According to the maxim, sic utere tuo ut alienum non lædas, which, being of universal application, it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his own as not to injure others." Thorpe v. Rutland & Burlington Railroad Co., 27 Vt. 149. "We think it a settled principle growing out of the nature of well-ordered civil society," says the Supreme Court of Massachusetts.

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT:
"that every holder of property, however absolute and unqualified may be his title, holds it under the implied liability that his
use of it shall not be injurious to the equal enjoyment of others having an equal right to the enjoyment of their property, nor
injurious to the rights of the community." Commonwealth v. Alger, 7 Cush. 84. In his Commentaries, after speaking of the
protection afforded by the Constitution to private property, Chancellor Kent says: —

"But though property be thus protected, it is still to be understood that the law-giver has the right to prescribe
the mode and manner of using it, so far as may be necessary to prevent the abuse of the right, to the injury or
annoyance of others, or of the public. The government may, by general regulations, interdict such uses of
property as would create nuisances and become dangerous to the lives, or health, or peace, or comfort of the
citizens. Unwholesome trades, slaughter-houses, operations offensive to the senses, the deposit of powder, the
application of steam-power to propel cars, the building with combustible materials, and the burial of the dead,
may all be interdicted by law, in the midst of dense masses of population, 149*149 on the general and rational
principle that every person ought so to use his property as not to injure his neighbors, and that private interests
must be made subservient to the general interests of the community. 2 Kent, 340.

The Italics in these citations are mine. The citations show what I have already stated to be the case, that the regulations
which the State, in the exercise of its police power, authorizes with respect to the use of property are entirely independent of
any question of compensation for such use, or for the services of the owner in connection with it.

There is nothing in the character of the business of the defendants as warehousemen which called for the interference
complained of in this case. Their buildings are not nuisances; their occupation of receiving and storing grain infringes upon
no rights of others, disturbs no neighborhood, infects not the air, and in no respect prevents others from using and enjoying
their property as to them may seem best. The legislation in question is nothing less than a bold assertion of absolute
power by the State to control at its discretion the property and business of the citizen, and fix the compensation he
shall receive. The will of the legislature is made the condition upon which the owner shall receive the fruits of his
property and the just reward of his labor, industry, and enterprise. "That government," says Story, "can scarcely
be deemed to be free where the rights of property are left solely dependent upon the will of a legislative body
without any restraint. The fundamental maxims of a free government seem to require that the rights of personal
liberty and private property should be held sacred." Wilkeson v. Leland, 2 Pet. 657. The decision of the court in this
case gives unrestrained license to legislative will.

The several instances mentioned by counsel in the argument and by the court in its opinion, in which legislation has fixed
the compensation which parties may receive for the use of their property and services, do not militate against the views I
have expressed of the power of the State over the property of the citizen. They were mostly cases of public ferries, bridges,
and turnpikes, of wharfingers, hackmen, and draymen, and of interest on money. In all these cases, except that of interest on
money, which I shall presently notice there was some special 149*149 privilege granted by the State or municipality; and
no one, I suppose, has ever contended that the State had not a right to prescribe the conditions upon which such privilege
should be enjoyed. The State in such cases exercises no greater right than an individual may exercise over the use of
his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being
stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The
recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege
conferred, its acceptance implies an assent to the regulation of its use and the compensation for it. The privilege
which the hackman and drayman have to the use of stands on the public streets, not allowed to the ordinary coachman or
laborer with teams, constitutes a sufficient warrant for the regulation of their fares. In the case of the warehousemen of
Chicago, no right or privilege is conferred by the government upon them; and hence no assent of theirs can be alleged to
justify any interference with their charges for the use of their property.

The quotations from the writings of Sir Matthew Hale, so far from supporting the positions of the court, do not recognize
the interference of the government, even to the extent which I have admitted to be legitimate. They state merely that the
franchise of a public ferry belongs to the king, and cannot be used by the subject except by license from him, or
prescription time out of mind; and that when the subject has a public wharf by license from the king, or from having
dedicated his private wharf to the public, as in the case of a street opened by him through his own land, he must allow the
use of the wharf for reasonable and moderate charges. Thus, in the first quotation which is taken from his treatise De Jure
Maris, Hale says that the king has

"A right of franchise or privilege, that no man may set up a common ferry for all passengers without a
prescription time out of mind or a charter from the king. He may make a ferry for his own use or the use of his
family, but not for the common use of all the king's subjects passing that way; because it doth in consequent
tend to a common charge, and is become a thing of public interest and use, and every man for his passage
150*150 pays a toll, which is a common charge, and every ferry ought to be under a public regulation, viz., that
Of course, one who obtains a license from the king to establish a public ferry, at which "every man for his passage pays a toll," must take it on condition that he charge only reasonable toll, and, indeed, subject to such regulations as the king may prescribe.

In the second quotation, which is taken from his treatise De Portibus Maris, Hale says: —

"A man, for his own private advantage, may, in a port or town, set up a wharf or crane, and may take what rates he and his customers can agree for cranage, wharfage, housellage, pesage; for he doth no more than is lawful for any man to do, viz., makes the most of his own. If the king or subject have a public wharf, unto which all persons that come to that port must come and unlade their goods as for the purpose, because they are the wharves only licensed by the king, or because there is no other wharf in that port, as it may fall out where a port is newly erected, in that case there cannot be taken arbitrary and excessive duties for cranage, wharfage, pesage, &c.; neither can they be enhanced to an inmoderate rate, but the duties must be reasonable and moderate, though settled by the king's license or charter. For now the wharf and crane and other conveniences are affected with a public interest, and they cease to be juris privati only; as if a man set out a street in new building on his own land, it is now no longer bare private interest, but is affected by the public interest."

The purport of which is, that if one have a public wharf, by license from the government or his own dedication, he must exact only reasonable compensation for its use. By its dedication to public use, a wharf is as much brought under the common-law rule of subjection to reasonable charges as it would be if originally established or licensed by the crown. All property dedicated to public use by an individual owner, as in the case of land for a park or street, falls at once, by force of the dedication, under the law governing property appropriated by the government for similar purposes.

I do not doubt the justice of the encomiums passed upon Sir 151*151 Matthew Hale as a learned jurist of his day; but I am unable to perceive the pertinency of his observations upon public ferries and public wharves, found in his treatises on "The Rights of the Sea" and on "The Ports of the Sea," to the questions presented by the warehousing law of Illinois, undertaking to regulate the compensation received by the owners of private property, when that property is used for private purposes.

The principal authority cited in support of the ruling of the court is that of Alnutt v. Inglis, decided by the King's Bench, and reported in 12 East. But that case, so far from sustaining the ruling, establishes, in my judgment, the doctrine that everyone has a right to charge for his property, or for its use, whatever he pleases, unless he enjoys in connection with it some right or privilege from the government not accorded to others; and even then it only decides what is above stated in the quotations from Sir Matthew Hale, that he must submit, so long as he retains the right or privilege, to reasonable rates. In that case, the London Dock Company, under certain acts of Parliament, possessed the exclusive right of receiving imported goods into their warehouses before the duties were paid; and the question was whether the company was bound to receive them for a reasonable reward, or whether it could arbitrarily fix its compensation. In deciding the case, the Chief Justice, Lord Ellenborough, said: —

"There is no doubt that the general principle is favored, both in law and justice, that every man may fix what price he pleases upon his own property, or the use of it; but if, for a particular purpose, the public have a right to resort to his premises and make use of them, and he have a monopoly in them for that purpose, if he will take the benefit of that monopoly, he must, as an equivalent, perform the duty attached to it on reasonable terms."

And, coming to the conclusion that the company's warehouses were invested with "the monopoly of a public privilege," he held that by law the company must confine itself to take reasonable rates; and added, that if the crown should thereafter think it advisable to extend the privilege more generally to other persons and places, so that the public would not be restrained from exercising a choice of warehouses for the purpose, the company might be enfranchised from the restriction which 152*152 attached to a monopoly; but, so long as its warehouses were the only places which could be resorted to for that purpose, the company was bound to let the trade have the use of them for a reasonable hire and reward. The other judges of the court placed their concurrence in the decision upon the ground that the company possessed a legal monopoly of the business, having the only warehouses where goods imported could be lawfully received without previous payment of the duties. From this case it appears that it is only where some privilege in the bestowal of the government is enjoyed in connection with the property, that it is affected with a public interest in any proper sense of the terms. It is the public privilege conferred with the use of the property which creates the public interest in it.
In the case decided by the Supreme Court of Alabama, where a power granted to the city of Mobile to license bakers, and to regulate the weight and price of bread, was sustained so far as regulating the weight of the bread was concerned, no question was made as to the right to regulate the price. 3 Ala. 137. There is no doubt of the competency of the State to prescribe the weight of a loaf of bread, as it may declare what weight shall constitute a pound or a ton. But I deny the power of any legislature under our government to fix the price which one shall receive for his property of any kind. If the power can be exercised as to one article, it may as to all articles, and the prices of everything, from a calico gown to a city mansion, may be the subject of legislative direction.

Other instances of a similar character may, no doubt, be cited of attempted legislative interference with the rights of property. The act of Congress of 1820, mentioned by the court, is one of them. There Congress undertook to confer upon the city of Washington power to regulate the rates of wharfage at private wharves, and the fees for sweeping chimneys. Until some authoritative adjudication is had upon these and similar provisions, I must adhere, notwithstanding the legislation, to my opinion, that those who own property have the right to fix the compensation at which they will allow its use, and that those who control services have a right to fix the compensation at which they will be rendered. The chimney-sweeps may, I think, safely claim all the compensation which 153*153 they can obtain by bargain for their work. In the absence of any contract for property or services, the law allows only a reasonable price or compensation; but what is a reasonable price in any case will depend upon a variety of considerations, and is not a matter for legislative determination.

The practice of regulating by legislation the interest receivable for the use of money, when considered with reference to its origin, is only the assertion of a right of the government to control the extent to which a privilege granted by it may be exercised and enjoyed. By the ancient common law it was unlawful to take any money for the use of money: all who did so were called usurers, a term of great reproach, and were exposed to the censure of the church; and if, after the death of a person, it was discovered that he had been a usurer whilst living, his chattels were forfeited to the king, and his lands escheated to the lord of the fee. No action could be maintained on any promise to pay for the use of money, because of the unlawfulness of the contract. Whilst the common law thus condemned all usury, Parliament interfered, and made it lawful to take a limited amount of interest. It was not upon the theory that the legislature could arbitrarily fix the compensation which one could receive for the use of property, which, by the general law, was the subject of hire for compensation, that Parliament acted, but in order to confer a privilege which the common law denied. The reasons which L.Ed. to this legislation originally have long since ceased to exist; and if the legislation is still persisted in, it is because a long acquiescence in the exercise of a power, especially when it was rightfully assumed in the first instance, is generally received as sufficient evidence of its continued lawfulness. 10 Bac. Abr. 264.[*]

There were also recognized in England, by the ancient common law, certain privileges as belonging to the lord of the manor, which grew out of the state of the country, the condition of the people, and the relation existing between him and his tenants under the feudal system. Among these was the right of the lord to compel all the tenants within his manor to grind their corn at his mill. No one, therefore, could set up a mill except by his license, or by the license of the crown, unless he claimed the right by prescription, which presupposed a grant from the lord or crown, and, of course, with such license went the right to regulate the tolls to be received. Woolrych on the Law of Waters, c. 6, of Mills. Hence originated the doctrine which at one time obtained generally in this country, that there could be no mill to grind corn for the public, without a grant or license from the public authorities. It is still, I believe, asserted in some States. This doctrine being recognized, all the rest followed. The right to control the toll accompanied the right to control the establishment of the mill.

It requires no comment to point out the radical differences between the cases of public mills and interest on money, and that of the warehouses in Chicago. No prerogative or privilege of the crown to establish warehouses was ever asserted at the common law. The business of a warehouseman was, at common law, a private business and is so in its nature. It has no special privileges connected with it, nor did the law ever extend to it any greater protection than it extended to all other private business. No reason can be assigned to justify legislation interfering with the legitimate profits of that business, that would not equally justify an intermeddling with the business of every man in the community, so soon, at least, as his business became generally useful.

8 Metaphors that explain the straw man

It may surprise you to learn that the concept of the straw man is not new to other areas of life and in fact is an imitation of:

1. God’s design for Christianity itself.
2. Object oriented programming techniques.
3. The working world.
4. Trusts within the legal field, which are used to implement the management of property of another through agency and fiduciary duty.

The following subsections will give you examples to illustrate why the straw man invented by the legal profession is not new and is an imitation of other common phenomenon. We take the time to explain these concepts so that people in various other fields other than law can more easily understand abstract straw man concepts.

8.1 Work world

In the work world, people seek a “job” as a way to earn money to support themselves. That “job” is, in fact, a straw man. Jobs allow one to receive compensation for acting as an agent and for the benefit of another. Those exercising agency on behalf of another for compensation:

1. Are called by various names in the work world, such as “employee”, agent, officer, police officer, clerk, representative, sales representative, etc.
2. Often wear a “uniform”, which is a special type of clothing that everyone in the company wears who fill that role and which creates an association between the company they represent and the office they fill or task they perform.

Uniforms are often considered property of the company and must be surrendered when one leaves the company. Even the U.S. Supreme Court refers to this “uniform” when they use the phrase “clothed with…”:

> Misuse of power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law. Ex parte Virginia, 100 U.S. 339, 346; Home Telephone & Telegraph Co. v. Los Angeles, 227 U.S. 278, 287, et seq.; Hague v. C.I.O., 307 U.S. 496, 507, 519; cf. 101 F.2d. 774, 790. Here the acts of appellees infringed the constitutional right and deprived the voters of the benefit of it within the meaning of § 20, unless by its terms its application is restricted to deprivations “on account of such inhabitant being an alien or by reason of his color, or race.” [United States v. Classic, 313 U.S. 299 (1941)]

3. Often wear a “badge” or “ID” or have a business card that identifies them as an agent or officer of the entity, company, or corporation they represent and who is on official business. This business card or ID has the logo of the company being represented. Policemen, for instance, wear a official badge.
4. Are often required to clock in and out when they enter and leave the “office”. They only receive compensation while they are clocked in, and wearing the “uniform” or badge is evidence that they are “clocked in”.
5. Are subject to the rules, policy, and laws of the company while they are representing the company as an officer, agent, or “employee”.

The straw man functions exactly the same way:

1. The straw man is a statutory “employee” under the laws of the government at 26 U.S.C. §3401(c ) and 5 U.S.C. §2105(a).
2. The “badge” or “uniform” of the straw man wears is the Social Security Number (SSN) or Taxpayer Identification Number (TIN). That number:
   2.1. Is property of the government. 20 C.F.R. §422.103(d).
   2.2. May not be used for private business. In fact, it is a crime to abuse the number that can land you in jail. That crime is called “identity theft”. See:
      2.2.2. 42 U.S.C. §408(a)(7): Penalties
      2.2.3. 18 U.S.C. §1028(a)(7): Fraud and related activity in connection with identification documents, authentication features, and information
      2.2.4. 18 U.S.C. §1028A: Aggravated Identity Theft
   2.3. Must be used in connection with the use or management of all public property.
3. The straw man “clocks in” whenever they:
   3.1. Use a government owned “uniform” called an SSN or TIN to conduct commercial business.
   3.2. Present government ID that was applied for or created in association with an SSN or TIN. For instance, if one puts an SSN or TIN on a bank account application, they become a statutory “U.S. person” pursuant to 26 U.S.C. §7701(a)(30) who is a public officer on official business. Beyond that point everything done in connection with said bank account is as an agent or officer of the government and all deposits, by association, are
8.2 Christianity

Christianity functions just like the straw man concept:

1. The Bible identifies the earth and the heavens as God’s exclusive property. See Psalm 89:11, Psalm 33:6-9, Isaiah 42:5, Isaiah 45:18.
2. The Earth, which is God’s property is identified as being under our temporary stewardship as God’s “trustees”.
3. The Bible is a trust indenture that:
   3.1. Makes the earth the corpus of a trust.
   3.2. Makes believers trustees over the corpus of the trust starting with Adam and Eve and all their descendants.
   3.3. The Settlor of the trust are the prophets who wrote the Bible while acting as God’s agents and fiduciaries.
   3.4. The beneficiary of the trust is God. Everything we do as believers is done for his “benefit” and glory.
4. The Kingdom of Heaven is a private corporation, which is a body of personnel associated with the Bible trust indenture.
5. Jesus is the Protector of the Bible trust indenture and Kingdom of Heaven, Inc. He recruits, hires, and fires trustees, who are us as believers.
6. The Bible trust indenture instantiates the “work rules”, policies, and laws for trustees and the Kingdom of Heaven, Inc.
   It is an employee manual for “Kingdom of Heaven, Inc.”.
7. We “clock in” and enter our job based on our actions. When we are acting consistent with the Bible trust indenture, then:
   7.1. We are described as “bearing fruit”. See John 15:1-8.
   7.2. Being “in him”. See 1 John 4:16, 1 John 2:3-6, Col. 2:8-10.
8. Pastors are the lawyers who supervisors for “trustees” and interpret the company rules and policy found in the Bible.
   They are God’s “Department of Justice”, and “HR Department” for the “Kingdom of Heaven, Inc.”.
9. “Prayer” is the method of talking directly to the owner of the company, God, when you have a question about your duties as a trustee.

If you would like to learn much more about this fascinating subject, please consult:

1. Delegation of Authority Order from God to Christians, Form #13.007
   http://sedm.org/Forms/FormIndex.htm
2. Ministry Introduction, Form #12.014
   http://sedm.org/Forms/FormIndex.htm

8.3 Computer Programming

Object Oriented Programming (OOP) began in the mid 1960’s with the Simula 67 programming language. Object oriented programming has taken over most areas of the computing and programming field and forms the basis for all modern computer operating systems, including Microsoft Windows and MAC OS. At its core, OOP depends on:

1. Classes that implement properties and methods that relate to specific types of objects.
2. Instances of objects that encapsulate the functionality of specific classes.
3. Abstraction so as to make the data and processes that operate upon the data internally transparent to other programming routines that call the processes.
4. Modularization of functionality within computer programs to create reusable tools for specific programming applications.

Object-oriented programming developed as the dominant programming methodology in the early and mid 1990’s when programming languages supporting the techniques became widely available. These included Visual FoxPro 3.0, C++, and Delphi. Its dominance was further enhanced by the rising popularity of graphical user interfaces, which rely heavily upon object-oriented programming techniques. An example of a closely related dynamic GUI library and OOP language can be found in the Cocoa frameworks on Mac OS X, written in Objective-C, an object-oriented, dynamic messaging extension to C based on Smalltalk. OOP toolkits also enhanced the popularity of event-driven programming (although this concept is not...
limited to OOP). Some feel that association with GUIs (real or perceived) was what propelled OOP into the programming mainstream.

Object oriented programming techniques came after the straw man concept and are an emulation of how the straw man works:

1. The data managed by classes is the thing being managed and manipulated by the methods or processes that it implements. Similarly, the thing being managed by the straw man is public property.
2. Classes and the objects that instantiate them function are the “clothes” that data and processes “wear”. They are the equivalent of the association of a name with the Social Security Number, which association identifies the holder of the number as an agent or proxy for the government who manages public property.
3. The programming logic that implements the class manages the data within the class. That logic finds its legal equivalent in the written law, which regulates processes and activities of all those who manage the data within the class.
4. Classes act as a proxy or agent through which methods exposed by the class may be used to manipulate the data contained within the class. Similarly, the law makes the straw man the proxy or agent through which the use of public property under the custody and control of the government is regulated and controlled.
5. To get to the data within the class and manipulate it, you have to go through the methods exposed by the class. Similarly, to avail yourself of the “benefits” of using the public/government property managed by the straw man, you have to use procedures and methods and forms created and exposed by the written law and you must do so as an agent and public officer of the government. It is unlawful for private parties to use or “benefit” from public property without the consent of the government and without obeying the laws that regulate the use of said property.

9 Franchises implemented as trusts are the legal vehicle used to implement the “straw man”

Every straw man we have identified:

1. Is a “public officer” within the government.
2. Is in receipt, custody, or control of public property.
3. Has a fiduciary duty to the government as a “trustee” over public property.
4. Consented at some point to act as a “trustee” by filling out a government form such as a license or application for “benefits”. See: The Government “Benefits” Scam, Form #05.040 http://sedm.org/Forms/FormIndex.htm

Why did the government use the mechanism of trusts to implement the straw man? Because once you sign up to become the trustee, you can’t resign without the express permission of the beneficiary under the terms of the trust indenture or contract itself. You know the government ain’t NEVER gonna give you permission to quit your job as trustee and their free WHORE.

VIII. Devestment of Office.

A trustee is discharged:

(1) by extinction of the trust,
(2) by completion of his duties,
(3) by such means as the instrument contemplates,
(4) by consent of the beneficiaries,
(5) by judgment of a competent court. 64

[.. .]

The trustee cannot abandon his trust, and even if he conveys away the property he will still remain liable as trustee;65 but he may resign. 66

65 Webster v. Vandeventer, 6 Gray, 428.
Resignation. The resignation in most jurisdictions may be at pleasure, and in any jurisdiction for good reason. 68

To be effective, the resignation must be made either according to an express provision of the trust instrument, or with the assent of all the beneficiaries or the court. 70

The assent of the beneficiaries must be unanimous; hence, if some are under age, unascertained, unborn, or incompetent, a valid assent cannot be given by the beneficiaries, and resort must be had to the court.

The mere resignation and acceptance thereof will not convey the title to the property, but the trustee should then devest himself of the property by suitable conveyances, and complete his duties, and until he does so he will remain liable as trustee. 71

Even where all persons in interest assent, it has been suggested that the resignation is not complete without the action of the court, but it is, to say the least, doubtful; and especially as all persons who are likely to raise the question are concluded by their assent.

The resignation need not be in writing, and where a trustee has conveyed the trust property to a successor appointed by the court, there being no evidence of any direct resignation, one would be presumed.

Ordinarily courts of probate have jurisdiction in these matters; but where it is not specially given to them, a court of equity will have the power to accept a resignation among its ordinary powers, and generally has concurrent jurisdiction where the Probate Court has the power.

The court will not accept a resignation until the retiring trustee has settled his account, and returned any benefit connected with the office, and in some jurisdictions they will require a successor to be provided for.

Where there is more than one trust in the same instrument, the rule for resignation is the same as for acceptance; namely, unless the trusts are divisible, all or neither must be resigned.

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


Because you can’t quit as trustee without their permission, government franchises and “benefits” behave as “adhesion contracts”. Below is the definition of an “adhesion contract”:

68 Craig v. Craig, 3 Barb. Ch. 76; Dean v. Lanford, 9 Rich. Eq. (S. C.) 423.
69 Stearns v. Fraleigh, 39 Fla. 603.
71 Ibid.
72 Matter of Miller, 15 Abb.Pr. 277.
73 Thomas v. Higham, 1 Bail. Eq. 222.
74 Bowditch v. Banuelos, 1 Gray, 220.
We allege that the nature of Social Security as a trust and your role as a “trustee” explains why:

1. They can tell you that you aren’t allowed to quit. The trust indenture doesn’t permit the trustees to quit.
2. They will fraudulently call you the “beneficiary” even though technically you AREN’T the beneficiary, but the “trustee”. They want to fool you into believing that you are “benefitted” by being their cheap whore so you won’t rattle your legal chains and try to resign as trustee or complain about the burdens of your uncompensated position. The BIG secret they can’t clue you into is that you didn’t get any “consideration” in exchange for your duties so the contract is not legally enforceable. The Courts have ruled that you have no legally enforceable right to collect anything.

“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”

[United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980)]

“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”

[Flemming v. Nestor, 363 U.S. 603 (1960)]

3. They will accept anyone as an applicant. All it takes to become a trustee is your consent, and they don’t care where you live, including outside of federal territory. Technically, 20 C.F.R. §422.104 says that only statutory “citizens” and "permanent residents", both of whom are “U.S. persons” with a domicile on federal territory, can lawfully participate. However, in practice, if you go to the Dept. of Motor Vehicles to obtain a license and tell them you don’t qualify for Social Security, they will demand a rejection letter from the Social Security Administration indicating that you don’t qualify. Social Security then will say that you do qualify even if you aren’t a “U.S. citizen” or “permanent resident” because their main job is to recruit more “taxpayers”, not to follow the law.

The above may explain why the Bible says the following on the subject of government franchises, licenses, and “benefits”:

“My son, if sinners [socialists, in this case] entice you,
Do not consent [do not abuse your power of choice]
If they say, “Come with us,
Let us lie in wait to shed blood [of innocent "nontaxpayers"]; Let us lurk secretly for the innocent without cause;
Let us swallow them alive like Sheol,
And whole, like those who go down to the Pit;
We shall fill our houses with spoil [plunder];
Cast in your lot among us,
Let us all have one purse [share the stolen LOOT]” --

My son, do not walk in the way with them [do not ASSOCIATE with them and don’t let the government FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a "U.S. citizen"].
Keep your foot from their path;
For their feet run to evil,
And they make haste to shed blood.
Surely, in vain the net is spread
In the sight of any bird;
But they lie in wait for their own blood.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain [or unearned government benefits];
It takes away the life of its owners.”

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

For thus says the LORD: “You have sold yourselves for nothing. And you shall be redeemed without money.”

[Isaiah 52:3, Bible, NKJV]

The Social Security scam above is further documented later in section 11.6. This whole mess started in 1939, and it happened during Traitor Franklin Delano Roosevelt’s presidency. In that year:

1. The Trust Indenture Act of 1939 was enacted that codified the above rules. See:

Trust Indenture Act of 1939, 15 U.S.C., Chapter 2A
http://straylight.law.cornell.edu/uscode/html/uscode15/uscode15_01_15_10_2A.html
The Public Salary Tax Act of 1939 was passed, authorizing taxes on the salaries of “public officers”. This tax is STILL the basis for the modern Internal Revenue Code. See:

Public Salary Tax Act of 1939
http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm

The Internal Revenue Code was enacted into law for the first time. See:

Internal Revenue Code or 1939
http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm

Only one year after all the above happened, the Buck Act of 1940 was enacted authorizing states to impose income taxes upon “public officers” of the United States government, thus completing the transformation of our tax system into a franchise based tax upon public offices that was common between both the states of the Union and the Federal government.

The Buck Act can be found at 4 U.S.C. §105-113.

Most government franchises are implemented as trusts. When you complete and sign an application for a franchise such as Social Security, the following mechanisms occur:

1. A “public office” is created.
2. You become surety for the public office and thereby enter into a partnership with the office your consent created. That partnership, in fact, is the one referenced in the definition of “person” found in 26 U.S.C. §6671(b). You are in partnership with Uncle Sam, in fact, because the office is owned by Uncle:

TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671

§ 6671. Rules for application of assessable penalties

(b) Person defined

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

3. You become a trustee and fiduciary in relation to the beneficiary, which is the government and not you.
4. You forfeit all rights affected by the franchise itself.

“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. …… The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Porret Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.”

[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

“…when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”


The reason the courts keep the subject of the “trade or business” franchise and the public offices that attach to it secret, is because they don’t want to inform the public of how they are TRAPPED into becoming uncompensated “employees” and “officers” of the government. It’s a legalized peonage and slavery scheme that no one would consent to if they were given all the facts about the effects of it BEFORE they signed that government application for a license or a benefit. Your consent instead is procured through constructive fraud and out of your own legal ignorance. They dumb you down about law in the public fool academy and then harvest your property using the stupidity they manufactured. Welcome to “The Matrix”, Neo.

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


Qui tacet consentire videtur.
He who is silent appears to consent. Jenk. Cent. 32.
[Bouvier’s Maxims of Law, 1856; SOURCE: http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm]
The weak point of the abuse of franchises and trusts to enslave you are the following:

1. There is no legally enforceable “consideration” so the franchise contract is unenforceable.
2. Your consent was procured before you became an adult. Contracts as a minor are unenforceable.
3. Your consent was not fully informed.
4. The contract was not signed by BOTH parties to it. There is no government signature, so it can’t be binding.
5. The concept of equal protection and equal treatment that is the foundation of the Constitution allows you employ the same techniques to protect yourself using franchises that they use to enslave you. In other words, you can make your own “anti-franchise franchise”. See:

<table>
<thead>
<tr>
<th>Requirement for Equal Protection and Equal Treatment, Form #05.033</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></td>
</tr>
</tbody>
</table>

If you would like to know more about all the devious and harmful effects that both trusts and franchises have upon your rights, see:

1. Government Instituted Slavery Using Franchises, Form #05.030
   http://sedm.org/Forms/FormIndex.htm
2. Trusts: Invisible Snares (ASNM, Vol. 12, No. 1)
   http://famguardian.org/PublishedAuthors/Media/Antishyster/V12N1-Trusts.pdf
   http://www.archive.org/details/trusteshandbook00loriiala
4. The Truth About Trusts (ASNM, Vol. 7, No. 1)
   http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N1-TheTruthAboutTrusts.pdf
5. Trust Fever (ASNM, Vol. 7, No. 1)
   http://famguardian.org/Subjects/Taxes/Articles/trust%20fever.pdf
6. Trust Fever II: Divide and Conquer (ASNM, Vol. 7, No. 4)
   http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N4-DivideAndConquer.pdf

10 The Founding Fathers and the Bible Both Say You Shouldn't Engage in Commerce or Franchises with the Government or Act as a “Straw Man”

Franchises are therefore an outgrowth of your absolute right to contract and they require either implicit or explicit consent in order for the terms of the franchise agreement to be enforceable against you. It is interesting to note that our most revered founding fathers warned against engaging in contracts or alliances, and by implication “franchises”, with any government, when they said the following. Now do you understand why the founding fathers made federal legislative jurisdiction “foreign” with respect to the states using the separation of powers?

"My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic; but to keep the United States free from political connections with every other Country. To see that they may be independent of all, and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others [as “public officers”]; this, in my judgment, is the only way to be respected abroad and happy at home.”


"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations – entangling alliances [contracts, treaties, franchises] with none."

[Thomas Jefferson, First Inaugural Address, March 4, 1801]

The Bible also disdains contracts, covenants, and franchises with those who are not believers and especially with foreign governments such as the District of Columbia.

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

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT: _______

[Exodus 23:32-33, Bible, NKJV]

“Take heed to yourself, lest you make a covenant or mutual agreement [contract, franchise agreement] with the inhabitants of the land to which you go, lest it become a snare in the midst of you.”

[Exodus 34:12, Bible, Amplified version]

“Do not walk in the statutes of your fathers [the heathens], nor observe their judgments, nor defile yourselves with their [pagan government] idols. I am the LORD your God: Walk in My statutes, keep My judgments, and do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the LORD your God.”

[Ezekial 20:10-20, Bible, NKJV]

Avoid Bad Company

“MY son, if sinners [socialists, in this case] entice you,
Do not consent [to their contracts, franchises, or offices]
If they say, “Come with us,
Let us lie in wait to shed blood;
Let us lurk secretly for the innocent without cause;
Let us swallow them alive like Sheol,
And whole, like those who go down to the Pit:
We shall fill our houses with spoil [plunder];
Cast in your lot among us,
Let us all have one purse”—[the GOVERNMENT’S PURSE!]
My son, do not walk in the way with them,
Keep your foot from their path;
For their feet run to evil,
And they make haste to shed blood.
Surely, in vain the net is spread
In the sight of any bird;
But they lie in wait for their own blood.
They lurk secretly for their own lives.
So are the ways of everyone who is greedy for gain [government “benefits”];
It takes away the life of its owners.”

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

Franchises are the main method by which malicious public servants in the government have systematically and surreptitiously:

1. Corrupted the original purpose of the charitable public trust called “government” and usurped it in order to:
   1.1. Unconstitutionally expand their power and influence.
   1.2. Increase the pecuniary benefits of those serving the government.
   1.3. Deprive most Americans of equal protection that is the foundation of the United States Constitution.

2. Exceeded their territorial jurisdiction very deliberately put there for the protection of private rights.

Debitum et contractus non sunt nullius loci.
Debt and contract [franchise agreement, in this case] are of no particular place.

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

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

3. Destroyed the separation of powers between the states and the federal government put there by the founding fathers for the protection of our liberties. See:

Government Conspiracy to Destroy the Separation of Powers, Form #05.023
http://sedm.org/Forms/FormIndex.htm
4. Enforced federal statutory law directly against persons domiciled in states of the Union who do not work for the government and avoided the requirement to publish implementing enforcement regulations in the Federal Register. See:

   Federal Enforcement Authority Within States of the Union, Form #05.032
   http://sedm.org/Forms/FormIndex.htm

5. Introduced and expanded communism and socialism within America and inducted Americans unwittingly into the service of the these causes:

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

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

   For further details, see:

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

6. Created the “administrative state”, whereby federal agencies are empowered to directly and unconstitutionally supervise the activities of private citizens and enforce federal statutory law against them. This sort of intrusion is repugnant to the Constitution:

   “The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution, 15. See also United States v. Reese, 92 U.S. 211, 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.”

7. Caused a destruction of sovereign immunity and rights of persons domiciled in states of the Union that brings them under the control of the foreign law system that makes up the U.S. Code. See 28 U.S.C. §1605.

   “If men, through fear, fraud, or mistake, should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave.”
   [Samuel Adams, 1772]
8. Invaded the exclusive sovereignty of families and churches over charitable causes. Only churches and families can lawfully engage in charitable causes. The U.S. Supreme Court has said that the government may not use its power to tax to compel anyone to subsidize “benefits”, whether charitable or not, to the public at large:

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

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

11. Proof of the existence of the straw man

The following subsections will present proof of the existence of the straw man from all the sources we have been able to find so far. Each section will contain a single example or instance from a specific context. Collectively, they form an irrefutable body of evidence demonstrating far beyond a reasonable doubt that:

1. The “straw man” does exist.
2. The government invented the “straw man” through the mechanism of franchises that behave as trust indentures.
3. Franchises and the trusts they implement were the only method available to bypass the straight jacket chains of the constitution, as Jefferson calls it.

11.1 All Government enforcement authority almost exclusively over only the “straw man”

“Our records indicate that the Internal Revenue Service has not incorporated by reference [as required by Implementing Regulation 26 C.F.R. §601.702(a)(1)] a requirement to make an income tax return.”

[Emphasis added]

[SEDMD Exhibit #05.005; SOURCE: http://sedm.org/Exhibits/ExhibitIndex.htm/]

This section demonstrates that the only lawful target of nearly all government enforcement activity are its own officers, agents, and employees in the context of their official duties.
The Federal Register Act, 44 U.S.C. §1505 et seq., and the Administrative Procedures Act, 5 U.S.C. §553 et seq, both describe laws which may be enforced as “laws having general applicability and legal effect”. Laws which have general applicability and legal effect are laws that apply to persons OTHER than those in the government or to the public at large. To wit, read the following, which is repeated in slightly altered form in 5 U.S.C. §553(a):

TITLES 44 > CHAPTER 15 > § 1505
§ 1505: Documents to be published in Federal Register

(a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect;
Documents Required To Be Published by Congress. There shall be published in the Federal Register—

[…]

For the purposes of this chapter every document or order which prescribes a penalty has general applicability and legal effect.

The requirement for “reasonable notice” or “due notice” as part of Constitutional due process extends not only to statutes and regulations AFTER they are enacted into law, such as when they are enforced in a court of law, but also to the publication of proposed statutes and regulations BEFORE they are enacted and subsequently enforced by agencies within the Executive Branch. The Federal Register is the ONLY approved method by which the public at large domiciled in “States of the Union” are provided with “reasonable notice” and an opportunity to comment publicly on new or proposed statutes OR rules/regulations which will directly affect them and which may be enforced directly against them.

TITLES 44 > CHAPTER 15 > § 1508
§ 1508. Publication in Federal Register as notice of hearing

A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress, or which may otherwise properly be given, shall be deemed to have been given to all persons residing within the States of the Union and the District of Columbia, except in cases where notice by publication is insufficient in law, when the notice is published in the Federal Register at such a time that the period between the publication and the date fixed in the notice for the hearing or for the termination of the opportunity to be heard is—

Neither statutes nor the rules/regulations which implement them may be directly enforced within states of the Union against the general public unless and until they have been so published in the Federal Register.

TITLES 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552
§ 552. Public information; agency rules, opinions, orders, records, and proceedings
§ 1508. Publication in Federal Register as notice of hearing

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

26 C.F.R. §601.702 Publication and public inspection

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

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

The only exceptions to the requirement for publication in the Federal Register of the statute and the implementing regulations are the groups specifically identified by Congress as expressly exempted from this requirement, as follows:

2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. §553(a)(2).
3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. §1505(a)(1).

Based on the above, the burden of proof imposed upon the government at any due process meeting in which it is enforcing any provision is to produce at least ONE of the following TWO things:

1. Evidence signed under penalty of perjury by someone with personal, first-hand knowledge, proving that you are a member of one of the three groups specifically exempted from the requirement for implementing regulations, as identified above.
2. Evidence of publication in the Federal Register of BOTH the statute AND the implementing regulation which they seek to enforce against you.

Without satisfying one of the above two requirements, the government is illegally enforcing federal law and becomes liable for a constitutional tort. For case number two above, the federal courts have said the following enlightening things:

"...for federal tax purposes, federal regulations [rather than the statutes ONLY] govern."
[United States v. Levy, 533 F.2d. 969 (1976)]

"When enacting §7206(1) Congress undoubtedly knew that the Secretary of the Treasury is empowered to prescribe all needful rules and regulations for the enforcement of the internal revenue laws, so long as they carry into effect the will of Congress as expressed by the statutes. Such regulations have the force of law. The Secretary, however, does not have the power to make law."
[United States v. Murphy, 809 F.2d. 142, 1431 (1989)]

"An administrative regulation, of course, is not a "statute." While in practical effect regulations may be called "little laws," they are at most but offspring of statutes. Congress alone may pass a statute, and the Criminal Appeals Act calls for direct appeals if the District Court's dismissal is based upon the invalidity or construction of a statute. See United States v. Jones, 345 U.S. 377 (1953). This Court has always construed the Criminal Appeals Act narrowly, limiting it strictly "to the instances specified." United States v. Borden Co., 308 U.S. 188, 192 (1939). See also United States v. Swift & Co., 318 U.S. 442 (1943). Here the statute is not complete by itself, since it merely declares the range of its operation and leaves to its progeny the means to be utilized in the effectuation of its command. But it is the statute which creates the offense of the willful removal of the labels of origin and provides the punishment for violations. The regulations, on the other hand, prescribe the identifying language of the label itself, and assign the resulting tags to their respective geographical areas. Once promulgated, §361 U.S. 431, 438] these regulations, called for by the statute itself, have the force of law, and violations thereof incur criminal prosecutions, just as if all the details had been incorporated into the congressional language. The result is that neither the statute nor the regulations are complete without the other, and only together do they have any force. In effect, therefore, the construction of one necessarily involves the construction of the other."
[U.S. v. Mersky, 361 U.S. 431 (1960)]

"...the Act's civil and criminal penalties attach only upon violation of the regulation promulgated by the Secretary; if the Secretary were to do nothing, the Act itself would impose no penalties on anyone...The Government urges that since only those who violate these regulations [not the Code] may incur civil or criminal penalties, it is the actual regulations issued by the Secretary of the Treasury, and not the broad authorizing language of the statute, which are to be tested against the standards of the Fourth Amendment; and that when so tested they are valid."
[Calif. Bankers Assoc. v. Schultz, 416 U.S. 21, 44, 39 L.Ed.2d. 812, 94 S.Ct 1494]

"Although the relevant statute authorized the Secretary to impose such a duty, his implementing regulations did not so do. Therefore we held that there was no duty to disclose..."
[United States v. Murphy, 809 F.2d. 142, 1431]

"Failure to adhere to agency regulations [by the IRS or other agency] may amount to denial of due process if regulations are required by constitution or statute..."
[Curley v. United States, 791 F.Supp. 52]

Another very interesting observation is that the federal courts have essentially ruled that Internal Revenue Code, Subtitle A pertains exclusively to government employees, agents, and officers, when they said:
“Federal income tax regulations governing filing of income tax returns do not require Office of Management and Budget control numbers because requirement to file tax return is mandated by statute, not by regulation.”


Since there are no implementing regulations for most federal tax enforcement, the statutes which establish the requirement are only directly enforceable against those who are members of the groups specifically exempted from the requirement for implementing regulations published in the Federal Register as described above. This is also consistent with the statutes authorizing enforcement within the I.R.C. itself found in 26 U.S.C. §6331, which say on the subject the following:

26 U.S.C., Subchapter D - Seizure of Property for Collection of Taxes

Sec. 6331. Levy and distraint

(a) Authority of Secretary

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

If you would like to know more about why the only lawful target of most IRS and government enforcement actions are government employees, agents, and officers acting in their official capacity, see:

Federal Enforcement Authority Within States of the Union, Form #05.032

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

11.2 Internal Revenue Code, Subtitle A is an Excise Tax Upon the “Straw Man”

The Internal Revenue Code, Subtitle A is a franchise or excise tax upon “public offices” within the U.S. Government. In the I.R.C., these “public offices” are described using a “word of art” called a “trade or business”, whose definition is found at 26 U.S.C. §7701(a)(26). Those persons and property not connected to this public office are referred to as a “foreign estate” that is not subject to the Internal Revenue Code:

TITLE 26 > Subtitle E > CHAPTER 79 > § 7701

§ 7701. Definitions

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

(31) Foreign estate or trust

(A) Foreign estate

The term “foreign estate” means an estate the income of which, from sources without the United States which is not effectively connected with the conduct of a trade or business (“public office”, per 26 U.S.C. §7701(a)(26)) within the United States, is not includible in gross income under subtitle A.

(B) Foreign trust

The term “foreign trust” means any trust other than a trust described in subparagraph (E) of paragraph (30).

The term “taxpayer” within the Internal Revenue Code is really just a code word for “public office” and the “straw man”. Below is some proof:

1. The tax is upon a “trade or business”, which is defined as “the functions of a public office”.

Copyright Sovereignty Education and Defense Ministry, http://sedm.org

Form 05.042, Rev. 8-6-2013
2. The Internal Revenue Manual (I.R.M.) admits that “private employers” have no obligation to deduct or withhold. This is another way of saying that only “public employers” within the government have such an obligation.

   Internal Revenue Manual (I.R.M.), Section 5.14.10.2 (09-30-2004)
   Payroll Deduction Agreements

   2. Private employers, states, and political subdivisions are not required to enter into payroll deduction agreements. Taxpayers should determine whether their employers will accept and process executed agreements before agreements are submitted for approval or finalized.


3. 4 U.S.C. §72 says all public offices must be exercised only in the District of Columbia and not elsewhere except as expressly provided by law. There is no law expressly authorizing any public office within the exclusive jurisdiction of any state of the Union.

4. 26 U.S.C. §7701(a)(31) defines the term “foreign estate” as any estate that is not connected with the “trade or business” franchise.

5. The regulations state that there is no such thing as “employment” outside the District of Columbia, which is what the “United States” is defined as in 26 U.S.C. §7701(a)(9) and (a)(10):

   Title 26: Internal Revenue
   PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE
   Subpart B—Federal Insurance Contributions Act (Chapter 21, Internal Revenue Code of 1954)
   General Provisions
   §31.3121(b)-3 Employment: services performed after 1954.

   (a) In general.

   Whether services performed after 1954 constitute employment is determined in accordance with the provisions of section 3121(b).

   (b) Services performed within the United States [District of Columbia].

   Services performed after 1954 within the United States (see §31.3121(e)–1) by an employee for his employer, unless specifically excepted by section 3121(b), constitute employment. With respect to services performed within the United States, the place where the contract of service is entered into is immaterial. The citizenship or residence of the employee or of the employer also is immaterial except to the extent provided in any specific exception from employment. Thus, the employee and the employer may be citizens and residents of a foreign country and the contract of service may be entered into in a foreign country, and yet, if the employee under such contract performs services within the United States, there may be to that extent employment.

   “(c) Services performed outside the United States—(1) In general. Except as provided in paragraphs (c)(2) and (3) of this section, services performed outside the United States (see §31.3121(e)–1) do not constitute employment.”

The tax can only apply to those domiciled within the District of Columbia, wherever they are physically located to include states of the Union, but only if they are lawfully serving under oath in their official capacity as “public officers”.

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

   [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

Another important point needs to be emphasized, which is that those working for the federal government, while on official duty, are representing a federal corporation called the “United States”, which is domiciled in the District of Columbia.
Sec. 3002. Definitions
(15) "United States" means -
(A) a Federal corporation;
(B) an agency, department, commission, board, or other entity of the United States; or
(C) an instrumentality of the United States.

W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were originally modeled upon a state or nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . . great corporation, . . . ordain
and established by the American people") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F.Cas.
(United States is "a corporation").

The "United States" corporation is a statutory but not constitutional “U.S. citizen” that is the REAL "person" who has a
liability to file a tax return identified in 26 C.F.R. §1.6012. That liability transfers to you while you are representing said
corporation as a “public officer”:

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

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

"Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or
independent foreign states, except in so far as the United States is paramount as the dominating government,
and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal
Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and
judicial proceedings of the other states..."
[81A Corpus Juris Secundum (C.J.S.), United States, §29 (2003)]

Federal Rule of Civil Procedure 17(b) says that the capacity to sue and be sued civilly is based on one’s domicile:

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

(1) for an individual who is not acting in a representative capacity, by the law of the individual’s domicile;
(2) for a corporation/the "United States", in this case, or its officers on official duty representing the
 corporation, by the law under which it was organized [laws of the District of Columbia]; and
(3) for all other parties, by the law of the state where the court is located, except that:
(A) a partnership or other unincorporated association with no such capacity under that state’s law may sue
 or be sued in its common name to enforce a substantive right existing under the United States Constitution
 or laws; and
(B) 28 U.S.C. §§ 754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue
 or be sued in a United States court.

Government employees, including “public officers”, while on official duty representing the federal corporation called the
"United States”, maintain the character of the entity they represent and therefore have a legal domicile of the District of
Columbia within the context of their official duties. The Internal Revenue Code also reflects this fact in 26 U.S.C.
§7701(a)(39) and 26 U.S.C. §7408(d):

TITLE 26 > Subtitle F > CHAPTER 79 > § 7701
§ 7701. Definitions

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent
thereof—
(39) Persons residing outside United States

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

(A) jurisdiction of courts, or

(B) enforcement of summons

---

Kidnapping and transporting the legal identity of a person domiciled outside the District of Columbia in a foreign state, which includes states of the Union, is illegal pursuant to 18 U.S.C. §1201. Therefore, the only people who can be legally and involuntarily “kidnapped” by the courts based on the above two provisions of statutory law are those who individually consent through private contract to act as “public officials” in the execution of their official duties. The fiduciary duty of these “public officials” is further defined in the I.R.C. as follows, and it is only by an oath of “public office” that this fiduciary duty can lawfully be created:

We remind our readers that there is no liability statute within Subtitle A of the I.R.C., that would create the duty documented above, and therefore the ONLY way it can be created is by the oath of office of the “public officers” who are the subject of the tax in question. This was thoroughly described in the following article:

There's No Statute Making Anyone Liable to Pay IRC Subtitle A Income Taxes
http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm

The existence of fiduciary duty of “public officers” is therefore the ONLY lawful method by which anyone can be prosecuted for an “omission”, which is a thing they didn’t do that the law required them to do. It is otherwise illegal and unlawful to prosecute anyone under either common law or statutory law for a FAILURE to do something, such as a FAILURE TO FILE a tax return pursuant to 26 U.S.C. §7203. Below is an example of where the government gets its authority to prosecute "taxpayers" for failure to file a tax return, in fact:

"I: DUTY TO ACCOUNT FOR PUBLIC FUNDS

§ 909. In general.-
It is the duty of the public officer, like any other agent or trustee, although not declared by express statute, to faithfully account for and pay over to the proper authorities all moneys which may come into his hands upon the public account, and the performance of this duty may be enforced by proper actions against the officer himself, or against those who have become sureties for the faithful discharge of his duties."


In addition to the above, every attorney admitted to practice law in any state or federal court is described as an “officer of the court”, and therefore ALSO is a “public officer”:


In English law. A public officer belonging to the superior courts of common law at Westminster, who conducted legal proceedings on behalf of others, called his clients, by whom he was retained; he answered to the solicitor in the courts of chancery, and the proctor of the admiralty, ecclesiastical, probate, and divorce courts. An attorney was almost invariably also a solicitor. It is now provided by the judicature act, 1873, 8 87. that solicitors. Attorneys, or proctors of, or by law empowered to practice in, any court the jurisdiction of which is by that act transferred to the high court of justice or the court of appeal, shall be called "solicitors of the supreme court." Wharton.


ATTORNEY AND CLIENT, Corpus Juris Secundum Legal Encyclopedia Volume 7, Section 4

His [the attorney's] first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.

[7 Corpus Juris Secundum (C.J.S.), Attorney and Client, §4 (1999)]

Executive Order 12731 and 5 C.F.R. §2635.101(a) furthermore both indicate that “public service is a public trust”:

"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

TITLE 5--ADMINISTRATIVE PERSONNEL
CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS
PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH--Table of Contents
Subpart A--General Provisions
Sec. 2635.101 Basic obligation of public service.

(a) Public service is a public trust.

Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

The above provisions of law imply that everyone who works for the government is a “trustee” of “We the People”, who are the sovereigns they serve in the public. In law, EVERY “trustee” is a “fiduciary” of the Beneficiary of the trust within which he serves:

"TRUSTEE. The person appointed, or required by law, to execute a trust; one in whom an estate, interest, or power is vested, under an express or implied agreement [e.g. PRIVATE LAW or CONTRACT] to administer or exercise it for the benefit or to the use of another called the cestui que trust. Pioneer Mining Co. v. Ty berg,
The fact that public service is a “public trust” was also confirmed by the U.S. Supreme Court, when it held:

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

“And this principle follows from the structure of the respective Governments, State and Federal, and their reciprocal relations. They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory.

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

An example of someone who is NOT a “public officer” is a federal common law employee on duty and who is not required to take an oath. Almost invariably, such employees have some kind of immediate supervisor who manages and oversees and evaluates his activities pursuant to the position description drafted for the position he fills. He may be a “trustee” and he may have a “fiduciary duty” to the public as a “public servant”, but he isn’t an “officer” or “public officer” unless and until he takes an oath of office prescribed by law. A federal “employee”, however, can become a “public office” by virtue of any one or more of the following purposes that we are aware of so far:

1. Be elected to political office.
2. Being appointed to political office by the President or the governor of a state of the Union.
3. Voluntarily engaging in a privileged, excise taxable activity called a “trade or business”, which effectively is an extension of the federal government and is defined as a “public office” in 26 U.S.C. §7701(a)(26). A “trade or business” is a federal business franchise and partnership, in which you become a trustee and public official of the United States who has donated his private property temporarily to a “public use” for the purpose of procuring “privileged compensation” of a public office in the form of tax deductions under 26 U.S.C. §162. Earning income credits under 26 U.S.C. §32, and a graduated REDUCED rate of tax under 26 U.S.C. §1. Only those engaged in a “public office”/”trade or business” can avail themselves of any of these pecuniary government financial incentives.
4. Engaging in a privileged activity regulated by the federal government, such as:
   4.1. Pursuing a license to practice law. All attorneys are officers of the court, and all courts are part of the government and therefore “public” entities.
   4.2. Applying for and accepting FDIC insurance as an officer of a bank. See 31 C.F.R. §202.2, which makes those accepting FDIC federal insurance into agents of the federal government.
   4.3. Becoming an officer of a corporation, and only within the context of the jurisdiction the corporation is registered in. The officers of a state-only registered corporation would be “public officers” only within the context of the specific state they registered in. They would have to make application for recognition as a federal corporation to also be “public officers” in the context of federal law.

A “public office” is not limited to a natural person. It can also extend to an entire entity such as a corporation. An example of an entity that is a “public office” in its entirety is a federally chartered bank, such as the original Bank of the United States described in Osborn v. United States, in which the U.S. Supreme Court identified the original and first Bank of the United States, a federally chartered bank corporation created by Congress, as a “public office”:

All the powers of the government must be carried into operation by individual agency, either through the medium of public officers, or contracts made with individuals. Can any public office be created, or does one exist, the performance of which may, with propriety, be assigned to this association [or trust], when incorporated? If such office exist, or can be created, then the company may be incorporated, that they may be appointed to execute such office. Is there any portion of the public business performed by individuals upon contracts, that this association could be employed to perform, with greater advantage and more safety to the public, than an individual contractor? If there be an employment of this nature, then may this company be incorporated to undertake it.
There is an employment of this nature. Nothing can be more essential to the fiscal concerns of the nation, than an agent of unquestioned integrity and established credit, with whom the public moneys can, at all times, be safely deposited. Nothing can be of more importance to a government, than that there should be some capitalist in the country, who possesses the means of making advances of money to the government upon any exigency, and who is under a legal obligation to make such advances. For these purposes the association would be an agent peculiarly suitable and appropriate. [. . .]

The mere creation of a corporation, does not confer political power or political character. So this Court decided in Dartmouth College v. Woodward, already referred to. If I may be allowed to paraphrase the language of the Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural person performing the same business would be. If, then, a natural person, engaged in the trade of banking, should contract with the government to receive the public money upon deposit, to transmit it from place to place, without charging for commission or difference of exchange, and to perform, when called upon, the duties of commissioner of loans, would not thereby become a public officer, how is it that this artificial being, created by the government for the purpose of being employed by the government for the same purposes, should become a part of the government of the country? Is it because its existence, its capacities, its powers, are given by law? because the government has given it power to take and hold property in a particular form, and to employ that property for particular purposes, and in the disposition of it to use a particular name? because the government has sold it a privilege [22 U.S. 738, 774] for a large sum of money, and has bargained with it to do certain things; is it, therefore, a part of the very government with which the contract is made?

If the Bank be constituted a public office, by the connexion between it and the government, it cannot be the mere legal franchise in which the office is vested; the individual stockholders must be the officers. Their character is not merged in the charter. This is the strong point of the Mayor and Commonalty v. Wood, upon which this Court ground their decision in the Bank v. Deveaux, and from which they say, that cause could not be distinguished. Thus, aliens may become public officers, and public duties are confided to those who owe no allegiance to the government, and who are even beyond its territorial limits.

With the privileges and perquisites of office, all individuals holding offices, ought to be subject to the disabilities of office. But if the Bank be a public office, and the individual stockholders public officers, this principle does not have a fair and just operation. The disabilities of office do not attach to the stockholders; for we find them every where holding public offices, even in the national Legislature, from which, if they be public officers, they are excluded by the constitution in express terms.

If the Bank be a public institution of such character as to be justly assimilated to the mint and the post office, then its charter may be amended, altered, or even abolished, at the discretion of the National Legislature. All public offices are created [22 U.S. 738, 775] purely for public purposes, and may, at any time, be modified in such manner as the public interest may require. Public corporations partake of the same character. So it is distinctly adjudged in Dartmouth College v. Woodward. In this point, each Judge who delivered an opinion concurred. By one of the Judges it is said, that 'public corporations are generally esteemed such as exist for public political purposes only, such as towns, cities, parishes and counties; and in many respects they are so, although they involve some private interests; but, strictly speaking, public corporations are such only as are founded by the government for public purposes, where the whole interest belongs also to the government. If, therefore, the foundation be private, though under the charter of the government, the corporation is private, however extensive the uses may be to which it is devoted, either by the bounty of the founder, or the nature and objects of the institution. For instance, a bank, created by the government for its own use, whose stock is exclusively owned by the government, is, in the strictest sense, a public corporation. So, a hospital created and endowed by the government for general charity. But a bank, whose stock is owned by private persons, is a private corporation, although it is erected by the government, and its objects and operations partake of a public nature. The same doctrine may be affirmed of insurance, canal, bridge, and turnpike companies. In all these cases, the uses may, in a certain sense, be called public, but the corporations are private; as much [22 U.S. 738, 776] so, indeed, as if the franchises were vested in a single person.[. . .]

In what sense is it an instrument of the government? and in what character is it employed as such? Do the government employ the faculty, the legal franchise, or do they employ the individuals upon whom it is conferred? and what is the nature of that employment? does it resemble the post office, or the mint, or the custom house, or the process of the federal Courts?

The post office is established by the general government. It is a public institution. The persons who perform its duties are public officers. No individual has, or can acquire, any property in it. For all the services performed, a compensation is paid out of the national treasury; and all the money received upon account of its operations, is public property. Surely there is no similitude between this institution, and an association who trade upon their own capital, for their own profit, and who have paid the government a million and a half of dollars for a legal character and name, in which to conduct their trade.

Again: the business conducted through the agency of the post office, is not in its nature a private business. It is of a public character, and the [22 U.S. 738, 786] charge of it is expressly conferred upon Congress by the constitution. The business is created by law, and is annihilated when the law is repealed. But the trade of banking is strictly a private concern. It exists and can be carried on without the aid of the national Legislature.
Nay, it is only under very special circumstances, that the national Legislature can so far interfere with it, as to facilitate its operations.

The post office executes the various duties assigned to it, by means of subordinate agents. The mails are opened and closed by persons invested with the character of public officers. But they are transported by individuals employed for that purpose, in their individual character, which employment is created by and founded in contract. To such contractors no official character is attached. These contractors supply horses, carriages, and whatever else is necessary for the transportation of the mails, upon their own account. The whole is engaged in the public service. The contractor, his horses, his carriage, his driver, are all in public employment. But this does not change their character. All that was private property before the contract was made, and before they were engaged in public employ, remain private property still. The horses and the carriages are liable to be taxed as other property, for every purpose for which property of the same character is taxed in the place where they are employed. The reason is plain: the contractor is employing his own means to promote his own private profit, and the tax collected is from the individual, though assessed upon the [22 U.S. 738, 787] means he uses to perform the public service. To tax the transportation of the mails, as such, would be taxing the operations of the government, which could not be allowed. But to tax the means by which this transportation is effected, so far as those means are private property, is allowable; because it abstracts nothing from the government; and because, the fact that an individual employs his private means in the service of the government, attaches to them no immunity whatever."


The record of the House of Representatives after the enactment of the first income tax during the Civil War in 1862, confirmed that the income tax was upon a “public office” and that even IRS agents, who are not “public officers” and who are not required to take an oath, are therefore exempt from the requirements of the revenue acts in place at the time. Read the amazing truth for yourself:

House of Representatives, Ex. Doc. 99, 1867

Below is an excerpt from that report proving our point. The Secretary of the Treasury at the time is comparing the federal tax liabilities of postal clerks to those of internal revenue clerks. At that time, the IRS was called the Bureau of Internal Revenue. The office of Commissioner of Internal Revenue was established in 1862 as an emergency measure to fund the Civil War, which ended shortly thereafter, but the illegal enforcement of the revenue laws continued and expanded into the states over succeeding years:

House of Representatives, Ex. Doc. 99, 1867, pp. 1-2
39th Congress, 2d Session

Salary Tax Upon Clerks to Postmasters

Letter from the Secretary of the Treasury in answer to A resolution of the House of the 13th of February, relative to salary tax upon clerks to postmasters, with the regulations of the department

Postmasters’ clerks are appointed by postmasters, and take the oaths of office prescribed in the 2d section of the act of July 2, 1862, and in the 2d section of the act of March 3, 1863. Their salaries are not fixed in amount by law, but from time to time the Postmaster General fixes the amount, allotted to each postmaster for clerk hire, under the authority conferred upon him by the ninth section of the act of June 5, 1836, and then the postmaster, as an agent for and in behalf of the United States, determines the salary to be paid to each of his clerks. These salaries are paid by the postmasters, acting as disbursing agents, from United States moneys advanced to them for this purpose, either directly from the Post Office Department in pursuance of appropriations made by law, or from the accruing revenues of their offices, under the instructions of the Postmaster General. The receipt of such clerks constitute vouchers in the accounts of the postmasters acting as disbursing agents in the settlements made with them by the Sixth Auditor. In the foregoing transactions the postmaster acts not as a principal, but as an agent of the United States, and the clerks are not in his private employment, but in the public employment of the United States. Such being the facts, these clerks are subjected to and required to account for and pay the salary tax, imposed by the one hundred and twenty-third section of the internal revenue act of June 30, 1864, as amended by the ninth section of the internal revenue act of July 13, 1866, upon payments for services to persons in the civil employment or service of the United States.

Copies of the regulations under which such salary taxes are withheld and paid into the treasury to the credit of internal revenue collection account are herewith transmitted, marked A, b, and C. Clerks to assessors of internal revenue (IRS agents) are appointed by the assessors. Neither law nor regulations require them to take an oath of office, because, as the law at present stands, they are not in the public service of the United States.
States, through the agency of the assessor, but are in the private service of the assessor, as a principal, who employs them.

The salaries of such clerks are neither fixed in amount by law, nor are they regulated by any officer of the Treasury Department over the clerk hire of assessors is to prescribe a necessary and reasonable amount which shall not be exceeded in reimbursing the assessors for this item of their expenses.

No money is advanced by the United States for the payment of such salaries, nor do the assessors perform the duties of discharging agents of the United States in paying their clerks. The entire amount allowed is paid directly to the assessor, and he is not accountable to the United States for its payment to his clerks, for the reason that he has paid them in advance, out of his own funds, and this is a reimbursement to him of such amount as the department decides to be reasonable. No salary tax is therefore collected, or required by the Treasury Department to be accounted for, or paid, on account of payments to the assessors’ clerks, as the United States pays no such clerks nor has them in its employ or service, and they do not come within the provisions of existing laws imposing such a tax.

Perhaps no better illustration of the difference between the status of postmasters’ clerks and that of assessors’ clerks can be given than the following: A postmaster became a defaulter, without paying his clerks; his successor received from the Postmaster General a new remittance for paying them; and if at any time, the clerks in a post office do not receive their salaries, by reason of the death, resignation or removal of a postmaster, the new appointee is authorized by the regulations of the Post Office Department to pay them out of the proceeds of the office; and should there be no funds in his hands belonging to the department, a draft is issued to place money in his hands for that purpose.

If an assessor had not paid his clerks, they would have no legal claim upon the treasury for their salaries. A discrimination is made between postmasters’ clerks and assessor’s clerks to the extent and for the reasons hereinbefore set forth.

I have the honor to be, very respectfully, your obedient servant.

H. McCulloch, Secretary of the Treasury
[House of Representatives, Ex. Doc. 99, 1867, pp. 1-2]

Notice based on the above that revenue officers don’t take an oath, so they don’t have to pay the tax, while postal clerks take an oath, so they do. Therefore, the oath that creates the “public office” is the method by which the government manufactures “public officials”, “taxpayers”, and “sponsors” for its wasteful use or abuse of public monies. If you would like a whole BOOK full of reasons why the only ”taxpayers” under the Internal Revenue Code, Subtitle A are “public officials”, please see the following exhaustive analysis:

**Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008**

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

### 11.3 The Information Return Scam

As we said in the preceding section, the income tax described by Internal Revenue Code, Subtitle A is a franchise and excise tax upon “public offices” within the U.S. government, which the code defines as a “trade or business”. Before an income tax can lawfully be enforced or collected, the subject of the tax must be connected to the activity with court-admissible evidence. Information returns are the method by which the activity is connected to the subject of the tax under the authority of 26 U.S.C. §6041(a). When this connection is made, the person engaging in the excise taxable activity is called “effectively connected with the conduct of a trade or business within the United States”.

**TITLE 26 > Subtitle F > CHAPTER 61 > Subchapter A > PART III > Subpart B > § 6041**

§ 6041. Information at source

(a) Payments of $600 or more

All persons engaged in a trade or business and making payment in the course of such trade or business to another person, of rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable gains, profits, and income (other than payments to which section 6042 (a)(1), 6044 (a)(1), 6047 (e), 6049 (a), or 6050N (a) applies, and other than payments with respect to which a statement is required under the authority of section 6042 (a)(2), 6044 (a)(2), or 6045), of $600 or more in any taxable year, or, in the case of such payments made by the United States, the officers or employees of the United States having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, shall render a true and accurate return to the Secretary, under such regulations and
The government cannot lawfully regulate private conduct. The ability to regulate private conduct is, in fact, “repugnant to the constitution” as held by the U.S. Supreme Court. The only thing the government can regulate is “public conduct” and the “public rights” and franchises that enforce or implement it. Consequently, the government must deceive private parties into submitting false reports connecting their private labor and private property to such a public use, public purpose, and public office in order that they can usurp jurisdiction over it and thereby tax and plunder it.

“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)]

In a sense, the function of an information return therefore is to:

1. Provide evidence that the owner is consensually and lawfully engaged in the “trade or business” and public office franchise. These reports cannot lawfully be filed if this is not the case. 26 U.S.C. §7206 and 7207 make it a crime to file a false report.
2. Donate formerly private property described on the report to a public use, a public purpose, and a public office with the consent of the owner without any immediate or monetary compensation in order to procure the “benefits” incident to participation in the franchise.
3. Subject the property to excise taxation upon the “trade or business” activity.
4. Subject the property to use and control by the government:

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

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

On the other hand, if the information return:

1. Was filed against an owner of the property described who is not lawfully engaged in a public office or a “trade or business” in the U.S. government. . .OR
2. Was filed in a case where the owner of the private property did not consent to donate the property described to a public use and a public office by signing a contract or agreement authorizing such as an IRS Form W-4. . .OR
3. Was filed mistakenly or fraudulently.

. . .then the following crimes have occurred:

1. A violation of the Fifth Amendment Takings Clause has occurred:

U.S. Constitution, Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

2. A violation of due process has occurred. Any taking of property without the consent of the owner is a violation of due process of law.
3. The subject of the information return is being compelled to impersonate a public officer in criminal violation of 18 U.S.C. §912.

   **TITLE 18 > PART I > CHAPTER 43 > § 912**

   § 912. Officer or employee of the United States

   Whoever falsely assumes or pretends to be an officer or employee acting under the authority of the United States or any department, agency or officer thereof, and acts as such, or in such pretended character demands or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more than three years, or both.

4. An unlawful conversion of private property to public property has occurred in criminal violation of 18 U.S.C. §654. Only officers of the government called “withholding agents” appointed under the authority of 26 U.S.C. §7701(a)(16) and the I.R.C. can lawfully file these information returns or withhold upon the proceeds of the transaction. All withholding and reporting agents are public officers, not private parties, whether they receive direct compensation for acting in that capacity or not.

   **TITLE 18 > PART I > CHAPTER 31 > § 654**

   § 654. Officer or employee of United States converting property of another

   Whoever, being an officer or employee of the United States or of any department or agency thereof, embezzles or wrongfully converts to his own use the money or property of another which comes into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or employee, shall be fined under this title or not more than the value of the money and property thus embezzled or converted, whichever is greater, or imprisoned not more than ten years, or both; but if the sum embezzled is $1,000 or less, he shall be fined under this title or imprisoned not more than one year, or both.

If you would like to learn more about how the above mechanisms work, see:

The “Trade or Business” Scam, Form #05.001, Section 2
http://sedm.org/Forms/FormIndex.htm

Nearly all private Americans are not in fact and in deed lawfully engaged in a “public office” and cannot therefore serve within such an office without committing the crime of impersonating a public officer. This is exhaustively proven in the following:

The “Trade or Business” Scam, Form #05.001, Section 13
http://sedm.org/Forms/FormIndex.htm

What makes someone a “private American” is, in fact, that they are not lawfully engaged in a public office or any other government franchise. All franchises, in fact, make those engaged into public officers of one kind or another and cause them to forfeit their status as a private person and give up all their constitutional rights in the process. See:

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

IRS therefore mis-represents and mis-enforces the Internal Revenue Code by abusing their tax forms and their untrustworthy printed propaganda as a method:

1. To unlawfully create public offices in the government in places they are forbidden to even exist pursuant to 4 U.S.C. §72.
2. To “elect” the average American unlawfully into such an office.
3. To cause those involuntarily serving in the office to unlawfully impersonate a public officer in criminal violation of 18 U.S.C. §912.
4. To enforce the obligations of the office upon those who are not lawfully occupying said office.
5. Of election fraud, whereby the contributions collected cause those who contribute them to bribe a public official to procure the office that they occupy with unlawfully collected monies, in criminal violation of 18 U.S.C. §210. IRS Document 6209 identifies all IRS Form W-2 contributions as “gifts” to the U.S. government, which is a polite way of describing what actually amounts to a bribe.
For instance, innocent Americans ignorant of the law are deceived into volunteering to unlawfully accept the obligations of a public office by filing an IRS Form W-4 “agreement” to withhold pursuant to 26 U.S.C. §3402(p), 26 C.F.R. §31.3401(a)-3(a), and 26 C.F.R. §31.3402(p)-1. To wit:

26 C.F.R. §31.3401(a)-3 Amounts deemed wages under voluntary withholding agreements.

(a) In general.

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

26 C.F.R. § 31.3402(p)-1 Voluntary withholding agreements.

(a) In general.

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

Those who have not voluntarily signed and submitted the IRS Form W-4 contract/agreement and who are not lawfully engaged in a “public office” within the U.S. government BEFORE they signed any tax form cannot truthfully or lawfully earn reportable “wages” as legally defined in 26 U.S.C. §3402. Therefore, even if the IRS sends a “lock-down” letter telling the private employer to withhold at a rate of “single with no exemptions”, he must withhold ONLY on the amount of “wages” earned, which is still zero. If a W-2 is filed against a person who does not voluntarily sign and submit the IRS Form W-4 or who is not lawfully engaged in a public office:

1. The amount reported must be ZERO for everything on the form, and especially for “wages”.
2. If any amount reported is other than zero, then the payroll clerk submitting the W-2 is criminally liable for filing a false return under 26 U.S.C. §7206, punishable as a felony for up to a $100,000 fine and three years in jail.
3. If you also warned the payroll clerk that they were doing it improperly in writing and have a proof you served them with it, their actions also become fraudulent and they additionally liable under 26 U.S.C. §7207, punishable as a felony for up to $10,000 and up to one year in jail.

The heart of the tax fraud and SCAM perpetrated on a massive scale by our government then is:

1. To publish IRS forms and publications which contain untrustworthy information that deceives the public into believing that they have a legal obligation to file false information returns against their neighbor.

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position.

[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

2. To reinforce the deliberate deception and omissions in their publications with verbal advice that is equally damaging and untrustworthy:

Proof that There Is a “Straw man”
6. IRS Pamphlets and Booklets: The IRS is not bound by statements or positions in its unofficial publications, such as handbooks and pamphlets.

p. 21: “As discussed in §2.3.3, the IRS is not bound by its statements or positions in unofficial pamphlets and publications.”

p. 34: “7. Other Written and Oral Advice. Most taxpayers’ requests for advice from the IRS are made orally. Unfortunately, the IRS is not bound by answers or positions stated by its employees orally, whether in person or by telephone. According to the procedural regulations, oral advice is advisory only and the Service is not bound to recognize it in the examination of the taxpayer’s return. 26 C.F.R. §601.201(a)(2). In rare cases, however, the IRS has been held to be equitably estopped to take a position different from that stated orally to, and justifiably relied on by, the taxpayer. The Omnibus Taxpayer Bill of Rights Act, enacted as part of the Technical and Miscellaneous Revenue Act of 1988, gives taxpayers some comfort, however. It amended section 6404 to require the Service to abate any penalty or addition to tax that is attributable to advice furnished in writing by any IRS agent or employee acting within the scope of his official capacity. Section 6404 as amended protects the taxpayer only if the following conditions are satisfied: the written advice from the IRS was issued in response to a written request from the taxpayer; reliance on the advice was reasonable; and the error in the advice did not result from inaccurate or incomplete information having been furnished by the taxpayer. Thus, it will still be difficult to bind the IRS even to written statements made by its employees. As was true before, taxpayers may be penalized for following oral advice from the IRS.”


3. To make it very difficult to describe yourself as either a “nontaxpayer” or a person not subject to the Internal Revenue Code on any IRS form. IRS puts the “exempt” option on their forms, but has no option for “not subject”. You can be “not subject” and a “nontaxpayer” without being “exempt” and if you want to properly and lawfully describe yourself that way, you have to either modify their form or create your own substitute. You cannot, in fact be an “exempt individual” as defined in 26 U.S.C. §7701(b)(5) without first being an “individual” and therefore subject to the I.R.C.. The following entity would be “not subject” but also not an “exempt individual” or “exempt”, and could include people as well as property:

TITLE 26 > Subtitle E > CHAPTER 72 > § 7701

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

(31) Foreign estate or trust

(A) Foreign estate

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

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

Flawed Tax Arguments to Avoid, Form #08.004, Section 6.12

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

4. For the IRS to be protected by a judicial “protection racket” implemented by judges who have a conflict of interest as “taxpayers” in violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455. This protection racket was instituted permanently upon federal judges with the Revenue Act of 1932 as documented in:

4.1. Evans v. Gore, 253 U.S. 245 (1920)

4.2. O’Malley v. Woodrough, 307 U.S. 277 (1939)


5. To receive what they know in nearly all cases are false information returns against innocent private parties who are nontaxpayers and to act as money launderers for all amounts withheld from these innocent parties.

6. To protect the filers of these false reports.

6.1. IRS Forms W-2, 1042-S, 1098, and 1099 do not contain the individual identity of the person who prepared the form.

6.2. Only IRS forms 1096 and W-3 contain the identity and statement under penalty of perjury signed by the specific individual person who filed the false information return.

6.3. If you send a FOIA to the Social Security Administration asking for the IRS Forms 1096 and W-3 connected to the specific information returns filed against you, they very conveniently will tell you that they don’t have the...
documents, even though they are the ONLY ones who receive them in the government! They instead tell you to send a FOIA to the IRS to obtain them. For example, see the following:

---

**SOCIAL SECURITY**

Refer to:
^6H: iBC^8L

September 1, 2008

Dear Mr. [redacted]

This is in response to your request for copies of your W-2 and W-3 tax documents.

These documents are not the Social Security Administration’s records. Please contact your local Internal Revenue Service (IRS) office for this information. For your convenience, I have provided you with the address and telephone number of your local IRS office.

Internal Revenue Service
550 Main St.
Cincinnati, OH 45202
(513) 263-3333

I hope this information is helpful.

Sincerely,

[Signature]

Vincent A. Dormarunno
Privacy Officer

---

If you want to see the document the above request responds to, see:

*Information Return FOIA: "Trade or Business", Form #03.023*

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

6.4. The IRS then comes back and says they don’t keep the original Forms 1096 and W-3 either! Consequently, there is no way to identify the specific individual who filed the original false reports or to prosecute them criminally under 26 U.S.C. §§7206 and 7207 or civilly under 26 U.S.C. §7434. In that sense, IRS FOIA offices act as "witness protection programs" for those communist informants for the government willfully engaged in criminal activity.

---

Internal Revenue Manual
3.5.20.19 (10-01-2003)
Information Returns Transcripts - 1099 Information

1. Generally, information returns are destroyed upon processing. Therefore, original returns cannot be retrieved. In addition, the IRS may not have record of all information returns filed by payers. The Information Returns Master File (IRMF), accessed by CC IRPTR, contains records of many information returns, even though they are the ONLY ones who receive them in the government! They instead tell you to send a FOIA to the IRS to obtain them. For example, see the following:
7. To deliberately interfere with efforts to correct these false reports by those who are the wrongful subject of them:

7.1. By penalizing filers of corrected information returns up to $5,000 for each Form 4852 filed pursuant to 26 U.S.C. §6702.

7.2. By not providing forms to correct the false reports for ALL THOSE who could be the subject of them. IRS Form 4852, for instance, says at the top “Attach to Form 1040, 1040A, 1040-EZ, or 1040X.” There is no equivalent form for use by nonresident aliens who are victims of false IRS Form W-2 or 1099-R and who file a 1040NR.

7.3. To refuse to accept W-2C forms filed by those other than “employers”.

7.4. To refuse to accept custom, substitute, or modified forms that would correct the original reports.

7.5. To not help those submitting the corrections by saying that they were not accepted, why they were not accepted, or how to make them acceptable.

7.6. To ignore correspondence directed at remedying all the above abuses and thereby obstruct justice and condone and encourage further unlawful activity.

So what we have folks is a deliberate, systematic plan that:

1. Turns innocent parties called “nontaxpayers” into guilty parties called “taxpayers”, which the U.S. Supreme Court said they cannot do.

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

[State Bank of Sinking Fund Cases, 99 U.S. 700 (1878)]

2. Constitutes a conspiracy to destroy equal protection and equal treatment that is the foundation of the Constitution, assigning all sovereignty to the government, and compelling everyone to worship and serve it without compensation.

3. Constitutes a conspiracy to destroy all Constitutional rights by compelling Americans through false reports to service the obligations of an office they cannot lawfully occupy and derive no benefit from:

"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm’n of California, 271 U.S. 583.

"Constitutional rights would be of little value if they could be indirectly denied;’ Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence;’ Gomillion v. Lightfoot, 364 U.S. 339, 345."

[Harman v. Forssenius, 380 U.S 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

5. Encourages Americans on a massive scale to file false reports against their neighbor that compel them into economic servitude and slavery without compensation:

   “You shall not circulate a false report [information return]. Do not put your hand with the wicked to be an unrighteous witness.”
   [Exodus 23:1, Bible, NKJV]

   “You shall not bear false witness [or file a FALSE REPORT or information return] against your neighbor.”
   [Exodus 10:16, Bible, NKJV]

   “A false witness will not go unpunished. And he who speaks lies shall perish.”
   [Prov. 19:9, Bible, NKJV]

   “If a false witness rises against any man to testify against him of wrongdoing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother; enticement into slavery (pursuant to 42 U.S.C. §1994) to the demands of others without compensation] so you shall put away the evil from among you. And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you. Your eye shall not pity: life shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”
   [Deut. 19:16-21, Bible, NKJV]

6. Constitutes a plan to implement communism in America. The Second Plank of the Communist Manifesto, Karl Marx is a heavy, progressive income tax that punishes the rich and abuses the taxation powers of the government to redistribute wealth.

7. Constitutes a conspiracy to replace a de jure Constitutional Republic into nothing but a big for-profit private corporation and business in which:

7.1. Government becomes a virtual or political entity rather than physical entity tied to a specific territory. All the “States” after the Civil War rewrote their Constitutions to remove references to their physical boundaries. Formerly “sovereign” and independent states have become federal territories and federal corporations by signing up for federal franchises:

   At common law, a “corporation” was an “artificial person 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. . . . or if a state is a corporation") (quoting United [495 U.S. 182, 202] States v. Maurice, 26 F.Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.)); Cotton v. United States, 11 How. 229, 231 (1851) (United States is "a corporation"); See generally Trustees of Dartmouth College v. Woodward, 4 Wheat, 518, 561-562 (1819) (explaining history of term "corporation").
   [Ngirangas v. Sanchez, 495 U.S. 182 (1990)]

7.2. All rights have been replaced with legislatively created corporate “privileges” and franchises. See:

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

7.3. “citizens” and “residents” are little more than “employees” and officers of the corporation described in 26 U.S.C. §6671(b), 26 U.S.C. §7343, and 5 U.S.C. §2105. See this document.

7.4. You join the club and become an officer and employee of the corporation by declaring yourself to be a statutory but not constitutional “U.S. citizen” on a government form. See:

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

7.5. Social Security Numbers and Taxpayer Identification Numbers serve as de facto license numbers authorizing those who use them to act in the capacity of a public officer, trustee, and franchisee within the government. See:
7.6. Federal Reserve Notes (FRNs) serve as a substitute for lawful money and are really nothing but private scrip for internal use by officers of the government. They are not lawful money because they are not redeemable in gold or silver as required by the Constitution. See:

**Resignation of Compelled Social Security Trustee**, Form #06.002  
[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

7.7. So-called "Income Taxes" are nothing but insurance premiums to pay for “social insurance benefits”. They are also used to regulate the supply of fiat currency. See:

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

7.8. The so-called “law book”, the Internal Revenue Code, is the private law franchise agreement which regulates compensation to and “kickbacks” from the officers of the corporation, which includes you. See:

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

7.9. Federal courts are really just private binding corporate arbitration for disputes between fellow officers of the corporation. See:

**What Happened to Justice?**, Form #06.012  
[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

7.10. Terms in the Constitution have been redefined to limit themselves to federal territory not protected by the original de jure constitution through judicial and prosecutorial word-smithing.

> “When words lose their meaning, people will lose their liberty.”  
> [Confucius, 500 B.C.]

> “Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy.”  
> [Senator Sam Ervin]

See:

7.10.1. **Meaning of the Words “includes” and “including”**, Form #05.014  
[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

7.10.2. **Rules of Presumption and Statutory Interpretation**, Litigation Tool #10.003  
[http://sedm.org/Litigation/LitIndex.htm](http://sedm.org/Litigation/LitIndex.htm)

8. Constitutes a plan to unwittingly recruit the average American into servitude of this communist/socialist effort.
Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT:_____

its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)]
renders its existence a clear present and continuing danger to the security of the United States, It is the means
whereby individuals are seduced into the service of the world Communist movement, trained to do its bidding,
and directed and controlled in the conspiratorial performance of their revolutionary services. Therefore, the
Communist Party should be outlawed

9. Constitutes an effort to create and perpetuate a state-sponsored religion and to compel “tithes” called income tax to the
state-sponsored church, which is the government:

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

To close this section, we highly recommend the following FOIA you can send to the IRS and the Social Security
Administration that is useful as a reliance defense to expose the FRAUD described in this section upon the American
people:

Information Return FOIA: "Trade or Business", Form #03.023
http://sedm.org/Forms/FormIndex.htm

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of information returns:

1. Commercial transaction:
   1.1. Information returns, consisting of IRS Forms W-2, 1042-S, 1098, and 1099 that document payments in excess of
   $600 to a public officer engaged in the “trade or business” franchise.

2. Agency:
   2.1. Parties made liable under 26 U.S.C. §6041(a) are “taxpayers”.

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

   2.2. All “taxpayers” are public officers in the government and therefore exercising agency of the government. See:
   Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008
   http://sedm.org/Forms/FormIndex.htm

3. Property being acquired or transferred that would otherwise be illegal:
   3.1. It constitutes involuntary servitude in violation of the Thirteenth Amendment for the government to impose any
duty on the bank, including the duty to prepare information returns without compensation. Therefore,
government is acquiring services of another, which is property, without apparent compensation.

   3.2. The duty is imposed on “taxpayers”, not men or women. “Taxpayers” are public officers and Congress has
always had the right to regulate the conduct of its own officers and agents.

   3.3. “Taxpayers” receive the following compensation or financial “benefit” for their participation in the “trade or
business” and “public office” franchise, and therefore they do not work for free and are not slaves:
   3.3.1. A reduced, graduated rate of tax under 26 U.S.C. §1. Those not engaged in a “trade or business” as shown
in 26 U.S.C. §871(a) must pay a higher, flat rate of 30% on all earnings.
   3.3.2. Earned income credits under 26 U.S.C. §32.
   3.3.3. “trade or business” deductions that reduce their existing liability under 26 U.S.C. §162.

11.4 Definition of “income” means earnings of a trust or estate

The term “income” is defined as in the Internal Revenue Code as follows:

TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter J > PART I > Subpart A > § 643
§ 643. Definitions applicable to subparts A, B, C, and D

(b) Income
For purposes of this subpart and subparts B. C. and D. the term “income”, when not preceded by the words “taxable”, “distributable net”, “undistributed net”, or “gross”, means the amount of income of the estate or trust for the taxable year determined under the terms of the governing instrument and applicable local law. Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law shall not be considered income.

Do you see a natural being mentioned above? Only trusts and executors for dead people are mentioned, both of whom are transferees or fiduciaries for “taxpayers”, meaning the government, pursuant to 26 U.S.C. §6901 and 26 U.S.C. §6903 respectively. These transferees and fiduciaries are all “public officers” of the government. The office is the “straw man” and you are surety for the office if you fill out tax forms connecting your name to the office or allow others to do so and don’t rebut them.

Which “trust” are they talking about here? How about the “public trust”, which means the government. The ability to regulate private conduct is “repugnant to the constitution”, and therefore the trust they are referring to can only mean a trust that is wholly owned and created by the government.

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

And this principle follows from the structure of the respective Governments, State and Federal, and their reciprocal relations. They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory.”

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

Executive Order 12731

"Part I -- PRINCIPLES OF ETHICAL CONDUCT

"Section 101, Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this order:

"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.

"Title 5--ADMINISTRATIVE PERSONNEL

CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS

PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH--Table of Contents

Subpart A--General Provisions

Sec. 2635.101 Basic obligation of public service.

(a) Public service is a public trust.

Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

11.5 IRS Form 1040

The IRS Form 1040 is a profit and loss statement for a federal business trust that is a wholly owned subsidiary of the “United States” federal corporation.

1. The earnings on the form are NOT your earnings, but all the earnings of the trust, for which you are acting as the trustee. That trust is the Social Security Trust created when you signed up for Social Security. This is also the ONLY
entity that can earn “income” as legally defined in 26 U.S.C. §643(b), which says that “income” as legally defined can only be earned by an estate or a trust, and NOT a natural being.

2. The “deductions” authorized on the IRS Form 1040 derive from 26 U.S.C. §162 are the method of computing compensation of the trustees. These deductions, pursuant to that section, may only be taken for those engaged in the “trade or business” franchise.

3. The reason you can’t deduct the cost of producing your labor on the form is that it isn’t YOU who performed the labor, but rather you while you were voluntarily acting as a “public officer” in expectation of the commercial benefits associated with the “public office”. See:

How the Government Defrauds You Out of Legitimate Deductions for the Market Value of Your Labor, Form #05.026 http://sedm.org/Forms/FormIndex.htm

4. All of the earnings that go on the IRS Form 1040 MUST be connected with a “trade or business” because:

4.1. 26 U.S.C. §162 says that only those engaged in the “trade or business” franchise can take deductions, and everything on the 1040 form is subject to such deductions and therefore connected to the franchise.

4.2. IRS Form 1040 uses a graduated rate of tax which is only authorized for earnings connected with a “trade or business”, as shown in 26 U.S.C. §871(b).

4.3. 26 U.S.C. §871(b)(1) admits that everything in 26 U.S.C. §1 and therefore appearing on IRS Form 1040 is “trade or business” income.

4.4. 26 U.S.C. §864(c)(3) indicates that all earnings originating from within the “United States” shall be treated as effectively connected to the “trade or business” and “public office” franchise. The ONLY “United States” where EVERYTHING is connected to a “public office” is the United States government, and not the geographical United States.

4.5. IRS Document 7130 confirms that IRS Form 1040 is only for use by “U.S. citizens” and “residents”, both of whom have in common a domicile in the SAME “United States” above, meaning that they are officers of the government corporation.

Federal Rule of Civil Procedure 17(b) says the effective domicile of all officers of a corporation is the place where the corporation was incorporated, which is the District of Columbia.
IV. PARTIES > Rule 17.

Rule 17: Parties Plaintiff and Defendant; Capacity

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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


5. The government can lawfully define the meaning of “profit” on the IRS Form 1040 because:
   5.1. It is not legislating for private entities, but rather “public offices” and federal business trusts.
   5.2. It is supervising its own instrumentalities and therefore is not restrained by the common law.
   5.3. You can’t earn “income” and therefore “gross income” pursuant to 26 U.S.C. §643(b) unless you are
      5.3.1. A trustee of the federal business trust . . .AND
      5.3.2. The earnings have been connected to the “public office” and business trust using a usually FALSE
      information return as described earlier in section 11.3.
   5.4. The IRS carefully and deliberately conceals the nature of the IRS Form 1040 as a form ONLY for “public offices” in the government by:
      6.1. Hiding the phrase “public office” within the definition of “trade or business” at 26 U.S.C. §7701(a)(26) at the end of the code in a place that few would ever notice.
      6.2. Using the phrase “trade or business” instead of “public office” so as not to draw attention to the nature of the activity being exercised.
      6.3. Conveniently omitting mention on the IRS Form 1040 that everything on the form is “trade or business”/ “public office” earnings.
      6.4. Conveniently omitting to mention in the IRS Form 1040 Instruction Booklet that everything on the form is “trade or business”/ “public office” earnings.
      6.5. Conveniently omitting to mention in 26 U.S.C. §1 that everything that subject refers to is connected with the “trade or business” franchise.
      6.6. Conveniently omitting the definition of “United States” from EVERYTHING they publish. It means the GOVERNMENT, and not the geographical definition. The definition found in 26 U.S.C. §7701(a)(9) and (a)(10) is the geographical definition, but that is not the ONLY sense, or even the most prevalent sense in which it is used throughout Internal Revenue Code, Subtitle A, in which it means the government and not the geographical United States.
   7. The reason the IRS and the government carefully conceal the nature of the IRS Form 1040 as a form for “public offices” and therefore federal business trusts within the government is that they want to avoid all the following:
      7.1. Having to answer inevitable questions from millions of people about what a “trade or business” is or whether they are involved in it.
      7.2. Having to admit that most people are not lawfully engaged in a public office in the U.S. government.
      7.3. Having to admit that they can’t lawfully regulate or especially tax private conduct.
      7.4. Becoming an accessory after the fact to the crime of “impersonating an employee or officer of the government” pursuant to 18 U.S.C. §912.

Welcome to the MATRIX, friends! Your own legal ignorance and the strategic silence and omission in IRS publications and the law is what keeps you connected to it.

“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the Lord our God shall cut them off.”

[Psalm 94:20-23, Bible, NKJV]
11.6 Social Security

Whenever you sign the SSA Form SS-5, Application for a Social Security Card, you are in fact:

1. Adopting the Social Security Act as a trust indenture.
2. Creating a trust that is a wholly owned subsidiary of the United States federal corporation described in 28 U.S.C. §3002(15)(A).
3. Consenting to accept receipt, custody, and control of government property as a formerly private person and thereby become a public officer. 20 C.F.R. §422.103(d) identifies the Social Security Card as property of the Social Security Administration. The card itself says it belongs to the Social Security Administration and must be returned upon request. The SSA Form SS-5 application says it is an application for a Social Security Card, and NOT an application for “benefits”. You are simply asking to receive government property, and that property comes with strings attached:
   3.4. You agree to act as an “individual”. The trust is actually the “individual” and the public office in the government, and you are acting as its agent and officer.
4. Accepting the “consideration” involved in the possibility but not absolute right to receive “benefits” of participation.

See:

[The Government “Benefits” Scam, Form #05.040](http://sedm.org/Forms/FormIndex.htm)

5. Agreeing to act as the “trustee” over the trust so created. You are NOT in fact becoming the Beneficiary but rather the Trustee of the trust. Your public servants, in fact, become the REAL beneficiary because they and not you control all the property that you associate the trustee license number with. This is documented in 42 U.S.C. §301, which identifies Social Security as a GRANT to “the States”, where “State” is defined as federal territories and NOT states of the Union. And what they are “granting” is money that they STOLE from people, most of whom would not participate if offered a choice. Hence, they are LAUNDERING stolen money. Then they LIE to you by calling you a “beneficiary”. What a joke! All trusts and corporations created by the government are what is called “eleemosynary charitable trusts and corporations”, and all such trusts exist for the equal benefit of all.

“Eleemosynary corporation. A private corporation created for charitable and benevolent purposes. Charitable corporation. See also Charitable organization.”


The only way that anyone can receive specified compensation from such a trust is as an “employee” of the trust and a public officer in the government called a “Trustee”. If you were a “beneficiary” instead of a “trustee”, then EVERYONE in the public, including those who never signed up or paid in, could receive equal “benefits” and this is not how the program is run. Therefore, the program can only be offered to officers of the government and not the public generally. Otherwise, the government will have created a “Title of Nobility”, which the Constitution forbids.

6. Agreeing to act as a “resident agent” for a “public office” that actually exists in the District of Columbia as required by 4 U.S.C. §72:

[TITLE 4 > CHAPTER 3 > § 72](http://sedm.org/Forms/FormsIndex.htm)

§ 72. Public offices; at seat of Government

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

[SOURCE: http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html]

7. Agreeing to receive “deferred retirement benefits” as Trustee that are commensurate with the amount of private property you donate to a public use and the temporary use of the trust to procure the benefits of said franchise. This makes you into “federal personnel”:

[TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](http://sedm.org/Forms/FormsIndex.htm)

§552a. Records maintained on individuals

(a) Definitions.— For purposes of this section—
8. Agreeing to use the Trustee License Number called the Social Security Number in association with every transaction that involves the execution of the office.

9. Agreeing to donate a portion of your formerly private property, such as your labor, to a public use, public purpose, and a public office for the charitable benefit of the government. That portion which has been donated is associated with the Trustee License Number, the Taxpayer Identification Number. IRS Document 6209 and 31 U.S.C. §321(d) identifies all information returns as gifts and not taxes because they fall into Tax Class 5, which is estate and gift taxes, rather than Tax Class 2, which is income taxes. Only you can convert withholding into a “tax” by attaching it to a return and assessing yourself. If anyone else converts your private property to a gift without your consent, they are stealing for the government. See *Great IRS Hoax*, Form #11.302, Section 5.6.8 for details on this scam.

If you would like an exhaustive analysis of all the above implications of participating in the Social Security franchise, why it creates a public office, and why you become the officer and “trustee” and “straw man” who is surety for the public officer created, see:

*Resignation of Compelled Social Security Trustee*, Form #06.002

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

Those acting as “franchisees”, “public officers”, and therefore “straw men” within the government are also called by the following synonyms on government forms:

1. “Individuals” as defined in 5 U.S.C. §552a(a)(2) and 26 C.F.R. §1.1441-1(c)(3). These “individuals” are all government instrumentalities and entities because they are defined within Title 5 of the U.S. Code, which only regulates the conduct of government employees and not the private public.


3. “U.S. persons” as defined in 26 U.S.C. §7701(a)(30), where the “U.S.” they mean is the government and not the geographical United States of America.

4. Statutory “U.S. citizens” (8 U.S.C. §1401) or “U.S. resident aliens” (26 U.S.C. §7701(b)(1)(A)) within the “tax code” but not within other titles of the U.S. Code. The term “U.S.” as used in these terms implies the District of Columbia corporation pursuant to 26 U.S.C. §7701(a)(9) and (a)(10) and no part of any federal territory. You can only have a domicile in this corporation if you are acting as one of its officers, because it is a virtual and not a physical entity. This is confirmed by the District of Columbia Act of 1871, in which the District of Columbia is referred to as a “body corporate” and NOT a “body politic”.

*Statutes At Large*

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

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

[Statutes at Large, 16 Stat. 419 (1871);
SOURCE: http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf]

If you want to know how and why our government was converted into a private, for profit corporation and all the citizens were converted unwittingly into officers of the corporation, see:

*Corporatization and Privatization of the Government*, Form #05.024

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

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of Social Security:

1. **Commercial transaction:**
1. The government receives donations from the public in the form of Social Security Insurance Premiums.

1.2. In return, the public receives insurance payments from the insurance pool when they get old.

2. Agency.

2.1. “Beneficiaries” of Social Security are in fact trustees of a charitable trust or charitable corporation called the “United States”.

2.2. The government is a trustee over the insurance premiums donated.

2.3. Employers who deduct and withhold social insurance premiums are treated as trustees of the government.

3. Property being acquired or transferred that would otherwise be illegal:

3.1. It is illegal for a private person to be in personal custody or control of public property such as a Social Security Card. By agreeing to become a trustee of the Social Security Trust and filling out annual profit and loss statements for that business trust called IRS Form 1040, you acquire the right to hold and use this public property for your use and benefit. Your compensation as trustee is the following methods to reduce a PRESUMED but not actual tax liability:


3.2. It is illegal to distribute any sums collected by the government under its authority to tax to private persons or to aid private enterprises or any single person.

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

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

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

[Loan Association v. Topeka, 20 Wall. 655 (1874)]

3.3. Therefore, the only way you can receive monies from the government such as “social insurance payments” is to act as an employee, officer, or instrumentality of the government providing services in furtherance of a constitutionally authorized function of the government. That is why 5 U.S.C. §552a(a)(13) identifies all recipients of Social Security as “federal personnel”.

11.7 How banks become “persons” and “public officers” under federal law

31 C.F.R. §202.2 makes “national banks” into officers and agents of the government:

TITLE 31--MONEY AND FINANCE: TREASURY

CHAPTER II--FISCAL SERVICE, DEPARTMENT OF THE TREASURY

PART 202, DEPOSITARIES AND FINANCIAL AGENTS OF THE FEDERAL GOVERNMENT

Sec. 202.2 Designations.

(a) Financial institutions of the following classes are designated as Depositaries and Financial Agents of the Government [e.g. “public officers”] if they meet the eligibility requirements stated in paragraph (b) of this section:

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

2. Credit unions insured by the National Credit Union

Administration.

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

(b) In order to be eligible for designation, a financial institution is required to possess, under its charter and the regulations issued by its chartering authority, either general or specific authority to perform the services outlined in Sec. 202.3(b). A financial institution is required also to possess the authority to pledge collateral to secure public funds.


Therefore, a private bank becomes a “public officer” by participating in a federal insurance franchise. Only by participating in a government insurance franchise do they become “public officers” and surrender their sovereign character as private banks to become “public banks” that effectively function as part of the machinery of the government. The origin of this source of jurisdiction over banks was admitted by the U.S. Supreme Court in the case of California Bankers Association v. Shultz, 416 U.S. 21 (1974). Congress had just implemented Currency Transaction Reports (CTRs), IRS Form 8300 into law for the first time with the Bank Secrecy Act of 1970 and banks sued the government over having to snitch on their depositors and violate their privacy. The Supreme Court held that the authority to violate the rights of depositors who were “public officers” was the bank’s acceptance of FDIC insurance:

“The bank plaintiffs somewhat halfheartedly argue, on the basis of the costs which they estimate will be incurred by the banking industry in complying with the Secretary's recordkeeping requirements, that this cost burden alone deprives them of due process of law. They cite no cases for this proposition, and it does not warrant extended treatment. In its complaint filed in the District Court, plaintiff National Bank asserted that it was an 'insured' national bank; to the extent that Congress has acted to require records on the part of banks insured by the Federal Deposit Insurance Corporation, or of financial institutions insured under the National Housing Act, Congress is simply imposing a condition on the spending of public funds.

See, e.g., Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937). Since there was no allegation in the complaints filed in the District Court, and since it is not contended here that any bank plaintiff is not covered by FDIC or Housing Act insurance, it is unnecessary to consider what questions would arise had Congress relied solely upon its power over interstate commerce to impose the recordkeeping requirements. The cost burdens imposed on the banks by the recordkeeping requirements are far from unreasonable, and we hold that such burdens do not deny the banks due process of law.79"

[California Bankers Ass’n v. Shultz, 416 U.S. 21 (1974)]

Notice the important statement:

“Congress is simply imposing a condition on the spending of public funds. See, e.g., Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937).”

[California Bankers Ass’n v. Shultz, 416 U.S. 21 (1974)]

The above two cases are critical, because they concern another franchise, which is Social Security. You may want to read those cases as well. Who are the only people that can spend the “public funds” mentioned by the court above? How about public officers! If you are a PRIVATE depositor of the bank who is not serving in a public office within the government, the requirement contested in the Shultz case above does not apply. Currency Transaction Reports (CTRs), IRS Form 8300, may only be filed against parties engaged in a “trade or business”, and hence expending or managing “public funds”:

"Form 8300. You must file form 8300, Report of Cash Payments Over $10,000 Received in a Trade or Business [public office], if you receive more than $10,000 in cash in one transaction, or two or more related business transactions. Cash includes U.S. and foreign coin and currency. It also includes certain monetary instruments such as cashier’s and traveler’s checks and money orders. Cash does not include a check drawn on an individual’s personal account (personal check). For more information, see Publication 1544, Reporting Cash Payments of Over $10,000 (Received in a Trade or Business)"

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


Section 103.30(d)(2) General

(d) Exceptions to the reporting requirements of 31 U.S.C. 5331:

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

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

26 U.S.C. §7701

(a) Definitions

(26) Trade or business

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

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


"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ('It is axiomatic that the statutory definition of the term excludes unstated meanings of that term'); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 223 U.S. 490, 502 (1912); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."

[Stenberg v. Carhart, 530 U.S. 914 (2000)]

The California Bankers case above is also instructive in that it demonstrates how the government uses one franchise to increase participation in other franchises. FDIC insurance is used as a vehicle to compel banks to file CTRs which are false in the vast majority of cases, by causing the FDIC insurance franchise to be abused unlawfully to recruit more “taxpayer” franchisees under Internal Revenue Code, Subtitle A franchise.
1. The only banks subject to federal regulation and therefore “persons” under federal legislation are banks who have voluntarily signed up for a government insurance franchise or privilege such as FDIC insurance. All other banks are
PRIVATE, sovereign, “foreign”, and immune from the legislative jurisdiction of the federal government beast.
2. At the point a bank accepts the “benefits” of the insurance franchise or “privilege”, they become:
   2.1. “National banks”
   2.2. Public officers
   2.3. Agents
   2.4. Fiduciaries
   2.5. Trustees
   2.6. “straw men”
   . . . acting on behalf of the national government as an integral part of the machinery of the government. This is also confirmed by how national banks sue private individuals in state court. They do so from outside the state and put “NA” after their name, meaning “national association”. Therefore, they are suing on behalf of the government and don’t have standing to sue as a private entity in the state.
3. Participants in government franchises can lawfully be required to perform the duties of their office without direct compensation and without imposing involuntary servitude upon them in violation of the Thirteenth Amendment, as was the case in the California Bankers case above.
   “The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. . . . The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469."
   [Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

The compensation the banks receive under the FDIC insurance franchise is deemed by the courts to be sufficient to not require additional direct monetary compensation to subsidize compliance with any new specific regulatory requirement arising out of the relationship. In effect, the government can impose as many uncompensated requirements as they wish under the terms of the FDIC insurance franchise agreement and the only option or recourse that franchisee banks have is to compare the costs with the benefits and decide to terminate participation when the costs of compliance outweigh the benefits of the FDIC insurance.
4. The requirement to file Currency Transaction Reports (CTRs), IRS Form 8300 may only be enforced against the banks in the case of “public officers” engaged in the “trade or business” franchise within the national and not state government. They may not lawfully be filled out against a private party not so engaged and if they are anyway, a crime has been committed. This requirement is thoroughly documented in the following form readymade to present to your bank:

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

Like everything else the government does, even FDIC insurance is a SCAM with a capital “S”. Most people don’t realize that if a bank fails, the government by law has 100 years to pay back all the depositors with inflated dollars! Therefore, such insurance is not of any real value anyway.

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of the Bank Secrecy Act:

1. **Commercial transaction:**
   1.1. FDIC insurance.
   1.2. Currency Transaction Reports (CTRs), IRS Form 8300. Prepared when public officers engaged in the “trade or business” franchise withdraw public funds from financial institutions. These reports are NOT applicable to private parties or even most parties.

2. **Agency:**
   2.1. 31 C.F.R. §202.2 makes banks that accept FDIC insurance into agents of the government.
   2.2. The bank acts as an agent of the government and the law in preparing the Currency Transaction Reports (CTRs) mandated by the Bank Secrecy Act of 1970.

3. **Property being acquired or transferred that would otherwise be illegal:**
   3.1. It constitutes involuntary servitude in violation of the Thirteenth Amendment for the government to impose any duty on the bank, including the duty to prepare CTRs.
3.2. The banks voluntarily become agents of the government through the acceptance of FDIC insurance.

3.3. It is not involuntary servitude to impose duties on those who volunteer to become agents of the government by accepting a privilege or “benefit” from the government. Through FDIC insurance, they are being compensated for their services indirectly.


11.8 Federal Rule of Civil Procedure 17

Federal Rule of Civil Procedure 17(d) addresses the “straw man” by name:

Federal Rules of Civil Procedure
IV. PARTIES > Rule 17.
[Rule 17. Plaintiff and Defendant; Capacity; Public Officers]

(d) Public Officer’s Title and Name.

A public officer who sues or is sued in an official capacity may be designated by official title rather than by name, but the court may order that the officer’s name be added.

The Federal Rule of Civil Procedure 17(b) says that the capacity to sue or be sued is determined by the law of the individual’s domicile. It quotes two and only two exceptions to this rule, which are:

1. A person acting in a representative capacity as an officer of a federal entity.
2. A corporation that was created and is domiciled within federal territory.

This means that if a person is domiciled within the exclusive jurisdiction of a state of the Union and not within a federal enclave, then state law are the rules of decision rather than federal law. Since state income tax liability in nearly every state is dependent on a federal liability first, this makes an income tax liability impossible for those domiciled outside the federal zone or inside the exclusive jurisdiction of a state, because such persons cannot be statutory “U.S. citizens” as defined in 8 U.S.C. §1401 nor “residents” as defined in 26 U.S.C. §7701(b)(1)(A).

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

A “person” as defined in 26 U.S.C. §7343 and 26 U.S.C. §6671(b) engaged in the “trade or business” franchise occupies a “public office” within the U.S. government, which is a federal corporation (28 U.S.C. §3002(15)(A) ) created and domiciled on federal territory. The entities below are therefore the REAL “persons” and “taxpayers” within the I.R.C.

TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter R > 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.

11.9 The Privacy Act identifies the “straw man”

The Privacy Act identifies the straw man as “federal personnel”:

The “Federal personnel” to which they refer include Social Security, which is a form of deferred retirement program offered by the Government of the United States.

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of the Privacy Act:

1. Commercial transaction:
   Receipt of “benefits under any retirement program of the Government of the United States (including survivor benefits).

2. Agency:
   2.1. Those in receipt of federal retirement become “federal personnel”.
   2.2. “Federal personnel” is defined as those who are officers and employees of the government as defined in 5 U.S.C. §2105.

3. Property being acquired or transferred that would otherwise be illegal:
   3.1. The Fourth Amendment to the United States Constitution makes privacy a protected right.
3.2. In law, all rights are “property”. Therefore, privacy is “property” and control over information about oneself is also property.

3.3. The purpose of the Privacy Act is to take away control of information about oneself and to authorize anyone indicated in the act to look at private information about someone. The act is found in Title 5 of the U.S. Code, and hence it only regulates the privacy of “government employees” and not private Americans in states of the Union generally.

3.4. Therefore, those who work for the government essentially must give up their right to privacy as a precondition of their employment agreement. They exchange privacy for their employment “wages”. When they go to work for the government, they implicitly surrender their private status and their official actions then become administratively discoverable through the Privacy Act and/or the Freedom of Information Act without the need for litigation to institute legal discovery. That is why they are called “public employees”. Otherwise, they would be “private employees”.

“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the regulator of private conduct, are not the same as the restrictions that it places upon the government in its capacity as employer. We have recognized this in many contexts, with respect to many different constitutional guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v. Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987) (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for refusing to provide the government information that may incriminate them, but government employees can be dismissed when the incriminating information that they refuse to provide relates to the performance of their job. Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277–278 (1968). With regard to freedom of speech in particular: Private citizens cannot be punished for speech of merely private concern, but government employees can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that reason. Public Workers v. Mitchell, 230 U.S. 75, 101 (1917); Civil Service Comm’n v. Letter Carriers, 413 U.S. 588, 596 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616–617 (1973).” [Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]

11.10 Taxpayer Identification Numbers are Issued to the Straw Man

The only regulations mandating the use of identifying numbers that we could find are found in 26 C.F.R. §301.6109-1(b). All of those regulations fall within part 301 of 26 CFR. Part 301 is published under the authority of 5 U.S.C. §301, which empowers the Secretary to write regulations for the management of his department. These regulations may NOT impose duties on the general public, but only upon those working within the department:

Hence, the requirement to use Taxpayer Identification Numbers ONLY applies to Treasury employees, and not to the general public and certainly not to the income tax. If that requirement ALSO applied to the general public OR to the income tax, it would ALSO be found in Part 1 of the regulations and be published in the Federal Register as required by 5 U.S.C. §553(a) and 44 U.S.C. §1505(a). Hence, once again, TINs are only for use by the public officer “straw man” and not the private person, like nearly everything the government does.

The straw man is a franchisee engaged in privileged activities with an effective domicile on federal territory. The older versions of the regulations admit that this straw man acquires an effective domicile on federal territory by engaging in the “trade or business” franchise:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

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

After we first posted the regulation on our website, the government rewrote it and replaced it with a temporary
regulation in 2005 to HIDE THE TRUTH! They don’t want you to know how their SCAM works. Notice that the above
implies that you indirectly are making an election to become a “resident alien” pursuant to 26 U.S.C. §7701(b)(A)
whenever you consent to engage in the “trade or business” excise taxable franchise. The reason you must do this is because
you are only eligible for the benefits if you are domiciled or resident on federal territory and therefore within the legislative
jurisdiction of congress.

The instructions for IRS Form 1042-S indicate all the circumstances where “Taxpayer Identification Numbers” are
absolutely required. The TIN functions as a de facto license to engage in federal franchises and the occasions where this
license is ABSOLUTELY REQUIRED identify what the franchises are that which are subject to said license. Below is the
section of this form containing the list, and note that the very first item is the “trade or business” franchise, which is defined
in 26 U.S.C. §7701(a)(26) as “the functions of a public office”, which office is in the U.S. government and the District of
Columbia as mandated by 4 U.S.C. §72:

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

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

• Any recipient whose income is effectively connected with the conduct of a trade or business [public

Note. For these recipients, exemption code 01 should be entered in box 6.

• Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a
  foreign country and the United States, unless the income is an unexpected payment (as described in
  Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt
  obligations that are actively traded; dividends from any redeemable security issued by an investment
  company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest,
  or royalties from units of beneficial interest in a unit investment trust that are (or were, upon
  issuance) publicly offered and are registered with the Securities and Exchange Commission under
  the Securities Act of 1933, and amounts paid with respect to loans of any of the above securities.

• Any nonresident alien individual claiming exemption from tax under section 871(f) for certain
  annuities received under qualified plans.

• A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt
  organization under section 501(c ) or as a private foundation.

• Any QI.

• Any WP or WT.

• Any nonresident alien individual claiming exemption from withholding on compensation for
  independent personal services [services connected with a "trade or business "].

• Any foreign grantor trust with five or fewer grantors.

• Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must
include the TIN on Form 1042-S.
[IRS Form 1042s Instructions, Year 2006, p. 14]

We have taken the time to further investigate the list above and put it in tabular form for your reading pleasure. These
requirements are also found in 26 C.F.R. §301.6109-1(b):

Table 7: Instances where Taxpayer Identification Number is MANDATORY

<table>
<thead>
<tr>
<th>#</th>
<th>Name</th>
<th>Applicable I.R.C. Code section(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Effectively connected with the “trade or business” franchise</td>
<td>26 U.S.C. §7701(a)(26)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 U.S.C. §871(b)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 U.S.C. §1</td>
</tr>
<tr>
<td>2</td>
<td>Foreign person claiming reduced rate of, exemption from, tax under treaty</td>
<td>26 U.S.C. §8894</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 U.S.C. §6114</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 U.S.C. §6712</td>
</tr>
</tbody>
</table>
Based on reading the statutory authorities for each of the conditions requiring a Taxpayer Identification Number, we reach the following conclusions:

1. Every one of the conditions involves a “benefit” and thereby a franchise or “public right” of some kind and implies a reduction in an existing tax liability that can ONLY be incurred by a person lawfully serving in a public office within the government, including:
   1.1. 501(c ) status.
   1.2. The entity is a privileged “corporation”.
   1.3. They are a “withholding agent” within the U.S. government pursuant to 26 U.S.C. §7701(a)(16) in the case of a WP or WT.
   1.6. Exemption from withholding because engaged in “personal services”, which is defined as work performed in connection with the “trade or business” franchise.

2. The subject is a “person” domiciled in the District of Columbia and therefore subject to the municipal rather than federal laws applicable there because they are:
   2.2. An “nonresident alien individual” who made an election pursuant to 26 U.S.C. §6013(g) and (h) to become a resident alien.
   2.3. Participating in the “trade or business” or “public office” franchise. See 26 C.F.R. §301.7701-5 above.
   2.4. Resident in a foreign country and taking advantage of a tax treaty “benefit” (franchise) with the United States to reduce double taxation pursuant to 26 C.F.R. §1.1441-1(c)(3)(ii).

In other words, you have to be part of the government or contracting with the government in order to need a de facto license to engage in federal franchises called a Taxpayer Identification Number. The average American is not engaged in any thing...
that has to do with the U.S. government. It is only by the abuse of “words of art” to deceive them that they can even become connected with the U.S. government.

26 U.S.C. §871 confirms that only earnings from sources within the “United States” (District of Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10)) are subject to tax in the case of a nonresident alien. People domiciled in states of the Union are nonresident aliens because they are outside of the legislative jurisdiction of Congress:

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

[Carter v. Carter Coal Co., 298 U.S. 228, 56 S.Ct. 855 (1936)]

“The difficulties arising out of our dual form of government and the opportunities for differing opinions concerning the relative rights of state and national governments are many, but for a very long time this court has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”

[Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

All of the activities for which Taxpayer Identification Numbers are required involve privileged activities and the Taxpayer Identification Number acts as the de facto license to engage in the activity. Of such licenses, the U.S. Supreme Court has said that Congress may not “authorize”, meaning “license” ANY ACTIVITY, including the “trade or business” franchise, within a state of the Union:

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

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

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

Let’s review how the three criteria for the existence of the “straw man” are satisfied in the case of the Taxpayer Identification Numbers:

1. **Commercial transaction:**
   1.1. Taxpayer Identification Numbers are only used in the context of commercial transactions.
   1.2. A commercial transaction also occurs when the “taxpayer” receives a refund check of overpayments back from the IRS.

2. **Agency:**
   2.1. Both 20 C.F.R. §422.103(d) and the Social Security Card itself say the Social Security Number belongs to the Social Security Administration and not the person using.
   2.2. Persons using said numbers therefore become “public officers” when in possession of public property. The very essence of being a “public officer” is management over public property. See the definition of “public officer” below for proof:


Proof that There Is a “Straw man”
2.3. Through the mechanism of:

2.3.1. The Internal Revenue Code, the IRS issues “public property” called a Taxpayer Identification Number to a private person and deputizes that person in possession to become a public officer managing said property under the authority of 26 U.S.C. §6109 and the regulations thereunder.

2.3.2. The Social Security Act, the SSA issues “public property” called a Social Security Number to a private person and deputizes that person in possession to become a public officer managing said property under the authority of the Social Security Act. The Social Security Card is proof of employment with the federal government and the owner is a “Kelly Girl” on loan to their private employer.

3. Property being acquired or transferred that would otherwise be illegal:

3.1. It is unlawful for a private person to use public property for their own private and personal benefit. This is called theft and embezzlement.

3.2. Social Security payments may only be sent to the public officer in control of the card and the number that are also public property. The number and the card act as a de facto “license” to receive federal “benefit” payments from the Treasury. It is illegal for those not in possession of said “license” to receive a payment. These payments effectively act as compensation to the “trustee”, who is the public officer or “federal personnel” (5 U.S.C. §552a(a)(13)) receiving the payment.

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

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

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

[Loan Association v. Topeka, 20 Wall. 655 (1874)]

3.3. IRS refund checks may only be sent to public officers called “taxpayers” in receipt, custody, and control of all the Taxpayer Identification Number and all property and rights to property that attach to the number at the financial institutions. All private property associated with the number becomes private property donated to a public use to procure the benefits of the “trade or business” franchise. The collection of all these rights and benefits is the “res” that the IRS enforces against. It is otherwise illegal to pay public monies to a private person.

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

Res is everything that may form an object of rights and includes an object, subject-matter or status [e.g., “taxpayer”]. In re Riggle’s Will, 11 A.D.2d. 51, 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant [hence, the ALL CAPS NAME] in an action, or as an object against which, directly, proceedings are taken. Thus, in a prize case, the captured vessel is “the
11.11 UCC places the Straw Man in the District of Columbia

The Uniform Commercial Code governs how commercial transactions are executed. The term “United States” within that code is defined as follows:

U.C.C. §9-307

(b) [Location of United States.]

The United States is located in the District of Columbia.”

The above is the SAME “United States”:

1. Defined within the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10) as the “District of Columbia”.
2. That is used in the phrase “U.S. citizen” and “U.S. resident” found on most government forms, and especially on tax forms.
3. That is used within the phrase “sources within the United States” throughout the Internal Revenue Code. They are NOT using the geographical sense, but the government sense. Otherwise, they would be instituting slavery upon the people they are supposed to be protecting and converting private property to a public use without the consent of the owner and without compensation and, in violation of the Fifth Amendment Takings Clause. On the other hand, if they only tax “public offices” in the government, these entities are already devoted to public use and so no illegal conversion from private property to public property and no compensation therefore needs to occur so that there can be no such violation.
4. Referenced in 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) as the place where your identity is kidnapped and involuntarily transported to the District of Columbia if you happen to be located outside of the District of Columbia at the time.
11.12 IRS Liens are against the “straw man”

When the IRS liens a “taxpayer”, the lien is accomplished as follows:

1. The authority for the lien is found in 26 U.S.C. §6331(a), which identifies who the proper subject is. This subject is an officer or agent of the U.S. government:

   TITLE 26 > Subtitle F > CHAPTER 64 > Subchapter D > PART II > § 6331

   § 6331. Levy and distraint

   (a) Authority of Secretary

   If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under section 634) belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official. If the Secretary makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Secretary and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.

   In order to deceive the recipient, the IRS includes portions of 26 U.S.C. §6331 on the Notice of Lien, IRS Form 668(Y)(c) they send to financial institutions, but very conveniently omits the above paragraph so that the recipient basically will illegally STEAL for the government by enforcing against those who are not the proper subject. LIARS!

2. When a lien is executed, a Transaction Code 582 is entered in the IRS Individual Master File (IMF) of the “person”. This transaction code indicates a “Regular Lien”.

3. IRS Form 668(Y)(c) Notice of Lien is mailed to the last known address of the “person” and to the country recorder at the last known address. This notice includes a column (a) indicating “Kind of Tax”. This column represents the Internal Revenue Code section from which the authority to impose the lien derives. It does NOT represent the form number, but the I.R.C. code section. See:


4. Most IRS Form 668(Y)(c) Notice of Liens that we have seen indicate I.R.C. Section 1040 in column (a) for “Kind of Tax”.

5. I.R.C. Section 1040 reads as follows. Note that this section refers to executors and trustees over estates of deceased persons, who are fiduciaries and officers of the deceased person. This deceased person was domiciled on federal territory at the time of death and therefore subject to the provisions of Subtitle B of the Internal Revenue Code.

   TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter O > PART III > § 1040

   § 1040. Transfer of certain farm, etc., real property

   (a) General rule

   If the executor of the estate of any decedent transfers to a qualified heir (within the meaning of section 2032A (c)(1)) any property with respect to which an election was made under section 2032A, then gain on such transfer shall be recognized to the estate only to the extent that, on the date of such transfer, the fair market value of such property exceeds the value of such property for purposes of chapter 11 (determined without regard to section 2032A).

   (b) Similar rule for certain trusts

   To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where the trustee of a trust (any portion of which is included in the gross estate of the decedent) transfers property with respect to which an election was made under section 2032A.

   (c) Basis of property acquired in transfer described in subsection (a) or (b)

   The basis of property acquired in a transfer with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the transfer increased by the amount of the gain recognized to the estate or trust on the transfer.
Consequently, when the IRS places a lien on you for an unpaid tax, they are assuming that:

1. You are a trustee or executor for a deceased “taxpayer” domiciled on federal territory.
2. You are a “transferee” pursuant to 26 U.S.C. §6901 or a fiduciary pursuant to 26 U.S.C. §6903.

If you would like further information on this SCAM, see the following articles:

1. \textit{Liens: Are they for Subtitle A Income taxes or Subtitle B Estate Taxes?}, Family Guardian Fellowship
   \url{http://famguardion.org/TaxFreedom/Evidence/Collection/Lien/Lien.htm}
2. \textit{How the IRS traps into liability by making you a fiduciary for a dead "straw man"}, Family Guardian Fellowship
   \url{http://famguardion.org/TaxFreedom/Instructions/0.6HowIRSTrapsYouStrawman.htm}

\textbf{11.13 All IRS correspondence is directed at the “straw man” and not private persons}

All IRS notices and correspondence contain the following below the return address:

"Penalty for Private Use $300"

The opposite of private is public. Which means that their correspondence can only be directed at a public officer or government entity and not a private person. IRS is NOT empowered to correspond with anyone other than fellow government instrumentalities, agencies, bureaus, and “employees”. That is why they are a “bureau” rather than an “agency” by the admission of no less than the Department of Justice: Because bureaus service only other government entities and do not interact directly with the public. See:

\url{U.S. Government admits under oath that the IRS is not an agency of the U.S. Government!}, Family Guardian Fellowship
\url{http://famguardion.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm}

\textbf{11.14 IRS Withholding Notices Are Directed at the Straw Man}

Whenever you fill out an IRS Form W-4, the IRS uses the submission as prima facie evidence of the existence of a “public office” within the U.S. Government:

1. The upper left corner of the form indicates “Employee Withholding Allowance Certificate”.
2. The term “employee” is statutorily defined as follows:
   2.1. In 5 U.S.C. §2105 it means a public officer.
   2.2. In 26 U.S.C. §3401(c) and 26 C.F.R. §31.3401(c)-1 it is defined as an officer or instrumentality of the United States.
3. Submission of the form causes IRS form W-2’s to be filed in the name of the submitter connecting the submitter to a “trade or business” pursuant to 26 U.S.C. §6041(a).
4. A “trade or business” is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.
5. 26 U.S.C. §7701(a)(31) indicates that any estate that is not connected to a “public office”/“trade or business” is a foreign estate not subject to the Internal Revenue Code.
6. It is ILLEGAL to file information returns against a person who is not engaged in a “public office”. Those who file false information returns are in violation of the following:
7. 26 C.F.R. §31.3401(a)-3(a) and 26 C.F.R. §31.3402(p)-1 indicate that the IRS Form W-4 is an agreement, meaning a contract, to call your earnings “wages” which are therefore subject to tax and reportable as “trade or business” earnings.
8. The submission of the IRS Form W-4 creates jurisdiction of the IRS to supervise the activities of the public officer straw man: Because the office is part of the government and you contractually are surety for the office.

If you submit IRS Form W-4 indicating that you are exercising a “public office” within the government, and the IRS doesn’t like the way you filled out the W-4, they typically contact the employer and direct them to change some aspect of the withholding arrangement. For instance, they will send IRS Letter 2800C directing the private employer to disregard the exemptions claimed if they are excessive. See:
If you examine the lower right corner of this notice, you will find the following conspicuous language:

*For Internal Use Only XXX-XX-XXXX*

The phrase “Internal Use” refers to the GOVERNMENT, but they very conveniently don’t tell you that and won’t answer questions about what “internal” means. This is confirmed by the fact that:

1. The return address has printed below it “Penalty for Private Use $300”. The opposite of private is public. Which means that their correspondence can only be directed at a public officer or government entity and not a private person.

2. The notice also does not have a valid OMB control number, which means that it can impose no obligation on the part of anyone other than a government entity. This is confirmed by the Paperwork Reduction Act at 44 U.S.C. §3412, which says that a private person not in the government cannot be penalized for failure to comply with a request for specific information.

11.15 Tax Court and IRS Notices of Deficiency are directed ONLY at the “Straw Man”

IRS Notices of Deficiency (NOD), Letters 3219 and 531 come with a direction that you must petition the tax court if you don’t agree with the “assessed” amount in the NOD.

1. The IRS is without authority to perform an actual lawful assessment. See:

   *Why the Government Can’t Lawfully Assess Human Beings With an Income Tax Liability Without Their Consent, Form #05.011
   [http://sedm.org/Forms/FormIndex.htm]*

   “In its response to this letter, IRS officials indicated that they do not generally prepare actual tax returns. Instead, IRS prepares substitute documents that propose [not MAKE] assessments. Although IRS and legislation refer to this as the substitute for return program, these officials said the document does not look like an actual tax return.”


   “[IRS] Customer Service Division official commented on the phrase ‘Substitute for Return.’ They asked us to emphasize that even though the program is commonly referred to as the SFR program, no actual tax return is prepared.”


2. The notice contains a PROPOSED assessment subject to ratification by the “taxpayer”, not a legally binding obligation. This was confirmed by the IRS itself in a letter to the Government Accountability Office (GAO):

   “In its response to this letter, IRS officials indicated that they do not generally prepare actual tax returns. Instead, IRS prepares substitute documents that propose [not MAKE] assessments. Although IRS and legislation refer to this as the substitute for return program, these officials said the document does not look like an actual tax return.”


   “[IRS] Customer Service Division official commented on the phrase ‘Substitute for Return.’ They asked us to emphasize that even though the program is commonly referred to as the SFR program, no actual tax return is prepared.”


3. 26 C.F.R. §601.105 requires that the “taxpayer” is supposed to be offered an opportunity to consent to the proposed assessment appearing on these bogus notices BEFORE they become legally enforceable. This requirement is blatantly and maliciously ignored by the IRS in nearly all cases.

4. Pursuant to Tax Court Rule 13(a), only franchisees called “taxpayers” may lawfully petition the Tax Court.

   United States Tax Court
   RULE 13. JURISDICTION

   (a) Notice of Deficiency or of Transferee or Fiduciary Liability Required:

   Except in actions for declaratory judgment, for disclosure, for readjustment or adjustment of partnership items, for administrative costs, or for review of failure to abate interest (see Titles XXI, XXII, XXIV,XXVI, and XXVII), the jurisdiction of the Court depends (1) in a case commenced in the Court by a taxpayer, upon the issuance by the Commissioner of a notice of deficiency in income, gift, or estate tax or, in the taxes under Code chapter41, 42, 43, or 44 (relating to the excise taxes on certain organizations and persons dealing with them), or in the tax under Code chapter 45 (relating to the windfall profit tax), or in any other taxes which are the subject of the issuance of a notice of deficiency by the Commissioner; and (2) in a case commenced in the Court by a transferee or fiduciary, upon the issuance by the Commissioner of a notice of liability to the transferee or fiduciary. See Code secs. 6212, 6213, and 6901.
26 U.S.C. §7442 notices the Tax Court of its jurisdiction....

The Tax Court and its divisions shall have such jurisdiction as is conferred on them by this title, by chapters 1, 2, 3, and 4 of the Internal Revenue Code of 1939, by title II and title III of the Revenue Act of 1926 (44 Stat. 10–87), or by laws enacted subsequent to February 26, 1926.

Since the Internal Revenue Code of 1939 and the laws prior to it were repealed...what jurisdiction is this statute talking about? But even if Tax Court jurisdiction were not a mere fantasy, which it appears to be...26 U.S.C. §6902(a) notices the Tax Court that there are (emphasis added)...

Provisions of special application to transferees

(a) Burden of proof

In proceedings before the Tax Court the burden of proof shall be upon the Secretary to show that a petitioner [i.e., any petitioner] is liable as a transferee of property of a taxpayer, but not to show that the taxpayer was liable for the tax.

We prove with extensive evidence in the following memorandum that the “taxpayer” referenced above is, in fact, the U.S. Government and not a human being and that the “public officer” occupying the public office that is the subject of the tax is, in fact the “transferee” referenced in the above statute.

**Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008**

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

From the above evidence and analysis, we can safely infer that:

1. The “transferee” is a “public officer” acting as a fiduciary/agent over “taxpayer”/government property. The “transferee” is "the one to whom a transfer is made (Black’s 6th)". This would seem to be the “employer”/"withholding agent“ (26 U.S.C. §§3401(d) and 7701(a)(16)) via the IRS Form W-4...who is the one to whom the worker transfers his/her property (money) so the transferee can send it to the IRS.
2. The “transferee” and the “taxpayer” are two distinct and separate legal "persons".
3. It is the “transferee” who has the standing to petition the Tax Court...not the alleged “taxpayer”.
4. The recipient of the IRS Notice of Deficiency (NOD), as the “transferee” and public officer has no standing to petition the Tax Court...and the Tax Court would lack in personam jurisdiction (and subject matter jurisdiction for want of verification of a lawful assessment).
5. 26 U.S.C. §6902(b) requires that it is the “transferee” who is liable for the tax imposed on the “taxpayer”...and it is the “transferee” of the “taxpayer’s” (government’s) property who is the only one that can lawfully subpoena “taxpayer” books and records...not the Revenue Agent of Department of Treasury of Puerto Rico.

6902b Evidence

Upon application to the Tax Court, a transferee of property of a taxpayer shall be entitled, under rules prescribed by the Tax Court, to a preliminary examination of books, papers, documents, correspondence, and other evidence of the taxpayer or a preceding transferee of the taxpayer’s property, if the transferee making the application is a petitioner before the Tax Court for the redetermination of his liability in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed upon the taxpayer. Upon such application, the Tax Court may require by subpoena, ordered by the Tax Court or any division thereof and signed by a judge, the production of all such books, papers, documents, correspondence, and other evidence within the United States the production of which, in the opinion of the Tax Court or division thereof, is necessary to enable the transferee to ascertain the liability of the taxpayer or preceding transferee and will not result in undue hardship to the taxpayer or preceding transferee. Such examination shall be had at such time and place as may be designated in the subpoena.

The government tries to hide the above facts by:

2. Deceiving you by calling you the “taxpayer”, when in fact, the public office occupied by you is the “taxpayer” and you are the “transferee” for the “taxpayer”.
3. Refusing to talk about the definition of the phrase “trade or business”, which is defined at 26 U.S.C. §7701(a)(26) as “the functions of a public office” and DOES NOT include the ordinary sense of the word. See:
4. Deceiving and lying to you by claiming that the Internal Revenue Code, Subtitle A is a direct, unapportioned tax when in fact the U.S. Supreme Court, the Congressional Research Service (CRS), and the I.R.C. all universally recognize it as an indirect excise tax upon the “trade or business” franchise. See:

*Flawed Tax Arguments to Avoid*, Form #08.004, Section 6.6
http://sedm.org/Forms/FormIndex.htm

If you would like further evidence supporting the content of this section, we highly recommend the following resources:

2. *Great IRS Hoax*, Form #11.302, Section 5.6.10: Public Officer Kickback Position.

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

12 Why it is THEFT to use the straw man for PRIVATE gain or advantage

As we have already repeatedly pointed out:

1. The straw man is a public office in the government.
2. The public office straw man is legally treated as an “officer of a corporation”, because the “United States” itself is legally defined as a corporation. This is consistent with the definition of “person” found in 26 U.S.C. §6671(b) and 26 U.S.C. §7343, which is defined as an officer or employee of a corporation or partnership, which partnership is between the PRIVATE human being and the corporation ONLY.
3. The office is legislatively created by an act of Congress.
4. Congress can tax and civilly regulate ONLY that which it creates. Since it didn’t create men and women, then it cannot tax them unless they first volunteer to represent an office that Congress created.
5. The rights which attach to the straw man are “public rights” and are property of the GOVERNMENT and not the officer filling the office.
6. The public officer filling the office has a fiduciary duty to the public at large not to abuse his office or the property or rights associated with the office to injure any member of the public.
7. It is a violation of fiduciary duty for the officer to abuse his authority to use the rights attached to the office to benefit him or her self personally or individually.

With these critical facts in mind, it ought to be obvious to the reader that there is no reasonable or legitimate way for an EXCLUSIVELY PRIVATE person who is not a court to do any of the following without STEALING from the public and becoming a criminal:

1. Lien the straw man using a UCC-3 form.
2. File or issue judgments against the straw man.
3. Take property or rights to property attached to the office of the straw man and use it for a private use.
4. Claim the identity of the straw man which is a “res”.
5. Use any property associated with the straw man in connection with one’s otherwise private affairs. This includes:
   5.1. Social Security Numbers, which are property of the Social Security Administration per 20 C.F.R. §422.103(d) both BEFORE and AFTER they are issued.
   5.2. Taxpayer Identification Number (TINS), which are property of the I.R.S. both BEFORE and AFTER they are issued per 26 U.S.C. §6109.

The above considerations are why our Member Agreement, Form #01.001, Section 1.3, Item 2 states the following:
2. I will not bring reproach upon this ministry by using any ministry materials or services for commercial or financial reasons. Instead, I will consistently describe my motivations as being exclusively spiritual, moral, legal, and religious. For instance, I will not use ministry materials or services in connection with any of the following:
2.1. Mortgage cancellation.
2.2. Debt cancellation.
2.3. Bills of exchange used in paying off tax debts.
2.4. 1099OIDs.
2.5. Using the "straw man" commercially to benefit anyone but its owner, which is the government. The "straw man" is a creation of and property of the government, and I acknowledge that it is stealing from the government to use their property, which is public property, for my own private benefit. I seek to abandon the straw man, not hijack him to steal from the government. See: Proof That There Is a "Straw Man", Form #05.042; http://sedm.org/Forms/FormIndex.htm.
2.6. For the reasons for all the above, see: Policy Document: UCC Redemption, Form #08.002; http://sedm.org/Forms/FormIndex.htm.

[SOURCE: http://sedm.org/Forms/FormIndex.htm]

Many of our readers have at one time or another been involved in a practice that we label as “UCC Redemption”. Upon reading the above prohibitions imposed by our Member Agreement, Form #01.001, some have been known to get upset at us because we essentially destroy any means for them to use their “special secret knowledge” about law for their own personal benefit. In response to such allegations, we remind our readers of the following important facts:

1. The abuse of franchises outside the place they are authorized is the source of the REAL problem we are fighting.
2. The only way to fight fire is WITH fire. The “fire” you have to use to fight franchises is MORE franchises. We call these types of franchise “anti-franchise franchises”.
3. We agree that everyone needs to be able to use their knowledge of the law to defend themselves from the crimes of a de facto government. That is one of the reasons we exist as a ministry, in fact.
4. You don’t have to hijack or use the straw man to gain an advantage over or control of government actors who are trying to steal from you.
5. Under the concept of equal rights and equal protection, you are entitled to ACQUIRE rights over the government and government actors by the same mechanisms as the corrupt de facto government. We cover this in:

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

6. If they assert a right to deceive ignorant third parties into filing knowingly FALSE information returns against you that connect you to THEIR franchise, you can nominate THEM into YOUR franchises using the same mechanisms. If they argue with you, then they can’t enforce THEIR franchises that way EITHER.
7. You can create your own anti-franchise franchise and impose it upon them and make THEM into YOUR straw man.

Here is an example of that phenomenon in action:

| Sovereignty Franchise and Agreement, Form #06.027 |
| http://sedm.org/Forms/FormIndex.htm |

8. The only defense a government can use against the above tactics is sovereign immunity, but they can’t invoke it if they are operating in commerce as corporation in a legislatively foreign jurisdiction involved in private business concerns.
9. Any time the government operates outside their territory or violates the purpose of their creation, which is the protection of PRIVATE RIGHTS, they are operating as a private business concern.
10. The Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97, applies to the U.S. government when operating outside their territory in a legislatively but not constitutionally foreign “state”, meaning a state of the Union. They can’t exempt anyone from the law, much less themselves.

In recognition of the above, we have ensured that all the major forms that our members could use in interacting with the government invoke, impose, and enforce the Sovereignty Franchise and Agreement, Form #06.027 against anyone who attempts to illegally enforce franchises against our members. See:

| Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001, Section 5 |
| http://sedm.org/Forms/FormIndex.htm |
1. Tax Form Attachment, Form #04.201, Section 6.
| http://sedm.org/Forms/FormIndex.htm |

Proof that There Is a “Straw man”
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT: _______
When you present your defense by the above mechanisms, you will paint them into a corner, because now they will have to expose, recognize, and CORRECT their own deceit in commerce that is the heart of the problem or recognize your EQUAL right to defend yourself by the same mechanisms. No matter what direction they turn, they will dig a hole for themselves and have to jump in. However they respond, they will be forced to help you enforce your own franchise or terminate the illegal enforcement of THEIRS!

13 Legal Actions Against the “Straw Man”

This section will describe how legal actions in court operate upon the straw man. As we have proven throughout this document, the “straw man” is:

1. Created through your right to contract with others.
2. A “public office” within the government.
3. A product of your explicit (in writing) or implicit (by action or omission) “consent” to occupy said office.
4. A creation of the government subject to government control and regulation.

Franchises are euphemistically called “public rights” by the U.S. Supreme Court. To wit:

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

[...]  

“Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part Crowell’s and Raddatz’ recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers reflected in Art. III. The constitutional system of checks and balances is designed to guard against encroachment or aggrandizement” by Congress at the expense of the other branches of government. Buckley v. Valeo, 424 U.S., at 132, 96 S.Ct., at 683. But when Congress creates a statutory right (a “privilege” in this case, such as a “trade or business”), it clearly has the discretion in defining that right, to create presumptions.

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

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

Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” Murray’s Lessee v. Hoboken Land & Improvement Co., 18 How. 227, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See Glidden Co. v. Zdanok, 370 U.S. at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Carrie, The Federal Courts and the American Law Institute, Part 1, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.
or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that
right must do so before particularized tribunals created to perform the specialized adjudicative tasks related
to that right.\footnote{Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental
to Congress’ power to define the right that it has created. No comparable justification exists, however, when the
right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions
that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions
of Congress’ power to define rights that it has created. Rather, such inroads suggest unwarranted
encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.

13.1 The Straw Man in Court

The statutory civil law is for PUBLIC “persons”, not PRIVATE men or women. All such civil statutory PUBLIC “persons”
are creations of the government, and therefore PUBLIC property of the government. As such, THEIR domicile is the place
of incorporation of the government corporation that created them under Federal Rule of Civil Procedure 17(b)(2).

When actions are commenced or defended in the name of the public officer straw man, the real party in interest is the
government grantor of the civil statutory law franchise, as revealed in Federal Rule of Civil Procedure 17:

Federal Rules of Civil Procedure

Rule 17. Plaintiff and Defendant; Capacity; Public Officers

(a) Real Party in Interest.

(1) Designation in General.

An action must be prosecuted in the name of the real party in interest. The following may sue in their own
names without joining the person for whose benefit the action is brought:

(A) an executor;

(B) an administrator;

(C) a guardian;

(D) a bailee;

(E) a trustee of an express trust;

(F) a party with whom or in whose name a contract has been made for another’s benefit; and

(G) a party authorized by statute.

(2) Action in the Name of the United States for Another’s Use or Benefit. When a federal statute so provides, an
action for another’s use or benefit must be brought in the name of the United States.

(3) Joinder of the Real Party in Interest. The court may not dismiss an action for failure to prosecute in the
name of the real party in interest until, after an objection, a reasonable time has been allowed for the real party
in interest to ratify, join, or be substituted into the action. After ratification, joinder, or substitution, the action
proceeds as if it had been originally commenced by the real party in interest.

In the case of Social Security, for instance, the “benefit recipient” would be the item identified in Federal Rule of Civil
Procedure 17(a)(1)(F), which is described as:

“a party with whom or in whose name a contract has been made for another’s benefit”.

Why would this be? Because the original Social Security Act identifies the STATUTORY “States” as the beneficiaries, all
of whom are agents of the national government in the context of that act if they elect to participate! See 42 U.S.C. Chapter
7, which lists so-called “grants”, meaning “benefits” to the “States”, which states are defined as federal territories and
possessions and NOT constitutional states.
Based on the above, those who are involved in litigation that vindicates a public right indicated within civil statutory law or within a government franchise such as the income tax or Social Security MUST ensure that:

1. The caption on the case indicates that the GOVERNMENT as the REAL party in interest for every aspect of their personal involvement.
2. If they are the defendant or respondent and the original action was filed against their legal birthname, the government grantor of the franchise must be substituted for their real name. This can be done by motioning the court to change the caption. For instance, if your name is John Doe and you were served with papers in a civil action by the government for breach of the terms of a government civil statute or franchise statute, and the original caption said “United States of America v. John Doe”, then the CORRECTED caption would read:

   “United States of America v. United States of America, represented by Illegally Compelled public officer John Doe”

3. Every pleading filed by you in court should reflect the proper caption at the beginning, even though either the court or even your opponent refused to use the proper caption.
4. You must sign every filing with the court as a compelled public officer and agent and illegally representing the U.S. government if you are the defendant and a public right or franchise right is being vindicated by the government in the court.

If the above are NOT consistently done, then the party not doing them technically is:

4. Illegally bribing the judge and the government attorney with his services and funds in impersonating a public officer. 18 U.S.C. §211.

There is no statutory civil law in America that applies to a PRIVATE man or woman, only to PUBLIC "persons" and fictions created by their government creator. See:

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

Civil statutory (franchise) courts only recognize PUBLIC statutory fictions called “persons”, which are dead. Another way of saying this is that PUBLIC rights cannot attach to PRIVATE men or women without their consent. In essence, you must consent to become SURETY for the PUBLIC “person” before they can treat you as a PUBLIC person. This is how you waive your inherent “sovereign immunity” and agree to be civilly sued under any civil statute. The act of applying for a government franchise, such as Social Security AND invoking the license number associated with the application to a SPECIFIC transaction is the method of providing this consent.

The civil statutory law attaches to the PRIVATE man or woman at the moment that the private man or woman:

1. Selects a domicile within the jurisdiction of a specific government and thereby nominates a “protector”.
2. Signs up for a private law franchise and thereby is made to appear as a public officer who is surety for the public office he or she occupies. All such public officers are “officers of a corporation” within the government corporation that granted the franchise.

These facts are recognized in Federal Rule of Civil Procedure 17(b).

IV. PARTIES > Rule 17.
(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

The place of domicile for the civil statutory “person” is the District of Columbia under the civil statutory law. For the
PRIVATE man or woman, that place is land protected by the Constitution. Those who elect to associate themselves with a
public office, such as a “trade or business” (26 U.S.C. §7701(a)(26)) indirectly are selecting a domicile at the seat of the
government creator of the office, which is the District of Columbia in the case of the national government.

To “appear” in a civil statutory (franchise) court is to put on the PUBLIC clothes of the straw man. If you the PRIVATE
human are foolish enough to appear in court and give life to the PUBLIC “person” fiction, you have unwittingly given the
court jurisdiction over government fictitious PUBLIC creations--dead entities, and made yourself surety for their acts and
omissions.

“A man devoid of understanding shakes hands in a pledge, and becomes surety for his friend.”
[Proverbs 17:18, Bible, NKJV]

“He who is surety for a stranger will suffer, but one who hates being surety is secure.”
[Prov. 11:15, NKJV]

The “stranger” spoken of above is the PUBLIC “person”, who is an agent of the government Beast that created it.

The judge and opposing counsel will also identify you as the PUBLIC fiction by saying that you are “representing
yourself”, which means that the PRIVATE you has agreed to put on the PUBLIC “person” fiction. In other words, you
agreed to wear the straw man’s “clothes”. The PRIVATE man or woman then represents the PUBLIC “person”, a dead
inanimate creation of the government. In that sense, you become an “effigy” for something else, like a voodoo doll that the
judge will prick with his pins (penalties) to indirectly torture and persecute the PRIVATE you. See:

1. Voodoo Dolls of the Elite, Part 1
   http://vimeo.com/34862763
2. Voodoo Dolls of the Elite, Part 2
   http://vimeo.com/35844634
3. Voodoo Dolls of the Elite, Part 3
   http://vimeo.com/37529365

A summons to appear in a court is a conjuration--evoking the dead! In a suit enforcing a civil statutory PUBLIC right, you
are summoned to appear as the government’s PUBLIC creation. You appear in place of an instead of the PRIVATE man
or woman. You are an effigy of a dead thing: The “person” who by and through the government’s creation, or the dead . . .
did the act. You are an actor fulfilling a role. This is calling "the dead" to appear. The civil statutory court only has
jurisdiction over the dead.

When you become a Christian, you die in the flesh and therefore abandon the dead fiction to represent ONLY the Son of
Man, which is God’s creation. The “son of man” in the Bible, on the other hand, is Caesar’s creation and the dead fiction.

“No we know that whatever the law [man’s/Caesar’s civil statutory law] says, it says to those who are under
the law, that every mouth may be stopped, and all the world may become guilty before God. Therefore by the
deeds of the law no flesh will be justified in His sight, for by the law is the knowledge of sin.”
[Romans 3:19-20, Bible, NKJV]

“Therefore, my brethren, you also have become dead to the law [man’s/Caesar’s civil statutory law] through
the body of Christ, that you may be married to another—to Him who was raised from the dead, that we
should bear fruit to God.”
[Romans 7:4, Bible, NKJV]
You give life to the dead when you speak on behalf of the civil statutory “person”. This is called a resurrection of the dead. It is necromancy--conjuration of the spirits of the dead for purposes of magically revealing the future or influencing the course of events (Webster's) . . . invoking the dead to obtain a remedy in law to achieve a justice because of an existing injustice . . . conjuring up the dead as an instrument to achieve justice. Ever heard the Bailiff say:

“All rise . . . the court is now in session?”

The deacon of the occult, which is the “Baal-iff”, calls for a resurrection of the dead to appear before the Grand Wizard, the “judge”, who performs his sorceries. If a PRIVATE human being appears in court he gives the dead fiction life, that is, a voice behind the mask.

The Bible calls the entire commercial system an act of sorceries--acts of witchcraft, deceit, and deception (Rev. 18).

Those who don’t understand the dichotomy between PUBLIC/PRIVATE and “person”/”human” respectively suffer from prosopagnosia--A confusion of face-- a disorder of face perception where the ability to recognize faces is impaired, while the ability to recognize other objects may be relatively intact. It is similar to dementia bordering on insanity. The main audience of exploitation for a corrupted government are people with this disorder. In the legal field, the disorder is usually the product of ignorance of the law. Jesus understood this disorder when He spoke the following words:

Then Jesus said to them again, “Most assuredly, I say to you, I am the door of the sheep. All who ever came before Me are thieves and robbers, but the sheep did not hear them. I am the door. If anyone enters by Me, he will be saved, and will go in and out and find pasture. The thief does not come except to steal, and to kill, and to destroy, I have come that they may have life, and that they may have it more abundantly.

[John 10:7-20, Bible, NKJV]

Jesus answered them, “I told you, and you do not believe. The works that I do in My Father’s name, they bear witness of Me. But you do not believe, because you are not of My sheep, as I said to you. My sheep hear My voice, and I know them, and they follow Me, And I give them eternal life, and they shall never perish; neither shall anyone snatch them out of My hand. My Father, who has given them to Me, is greater than all; and no one is able to snatch them out of My Father’s hand. I and My Father are one.”

[John 10:25-30, Bible, NKJV]

A judge in a civil statutory franchise court, like Jesus, has a “door” or gate for the government’s sheep to enter through. It is the gate entering into the “well” where the litigants sit. Those who enter this gate to enforce a civil statutory PRIVILEGE under the “jus civile” (civil statutory law) are following a DIFFERENT shepherd. That shepherd is Satan himself. The only time a Christian can enter that gate is to enforce a CONSTITUTIONAL right or a common law right, not a statutory “privilege”.

Learn the law, people!

13.2 Proving consent that creates the “straw man” in court

The terms “public right” as used in the preceding section and “privilege” are synonymous. You become eligible to partake of the “privilege” or “public right” by consenting to the franchise agreement. Examples of how that consent is procured include, but are not limited to, the following:

1. Filling out a government application. Such an “application” really constitutes “begging” for government benefits. You are a beggar and a vagabond who can’t govern and support himself so you are asking the government to subsidize your idleness. See: The Government “Benefits” Scam, Form #05.040 http://sedm.org/Forms/FormIndex.htm
2. Filling out an SSA Form SS-5, Application for a Social Security Card.
3. Applying for government employment.
4. Tax returns:

Proof that There Is a “Straw man” 210 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org Form 05.042, Rev. 8-6-2013 EXHIBIT:_______
4.1. Signing an IRS Form 1040 tax return. Article 1, Section 8, Clauses 1 and 3 of the United States Constitution delegates ONLY to Congress the authority to “lay and collect”, meaning “assess” taxes. That power cannot be delegated to any other branch of the government, and certainly not to the Executive Branch. The courts recognize tax returns as an assessment, which makes the filer into a “public officer” within the Legislative Branch of the government and therefore a “straw man” and a franchisee.

4.2. Taking deductions on the return. Everything that goes on such a “return” is earnings connected with the “trade or business” franchise. 26 U.S.C. §162 says you can only take deductions on this form if you are in fact engaged in the “trade or business” franchise. Every attempt to avoid the liabilities of the franchise by taking deductions in effect ropes you further into the franchise. Everything you take deductions against becomes private property donated to a public use to procure the benefits of a federal franchise.

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

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

The only way out of the “trade or business” franchise is to stop the usually FALSE information return reports that connected your private “income” with the “public office” to begin with using the following. This then prevents you from ever having to file the “return” in the first place. If you don’t have “income” as defined in 26 U.S.C. §643(b), then you don’t need deductions in the first place:

[Correcting Erroneous Information Returns, Form #04.001]

[http://sedm.org/Forms/FormIndex.htm]

5. Filling out a driver’s license application. The Vehicle Code in your state is private law that you can only become subject to with your consent. The application for any kind of “license” is evidence of consent to surrender all rights adversely impacted by making such application.

6. Filling out a marriage license application. This creates a trust relation and a franchise where the spouses become “trustees” and the government becomes the grantor and beneficiary. The “corpus” of the trust is the community property within the marriage, including the children, who are now “wards of the state” instead of the parents:

[4] In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants. [5] Jurisdiction over divorce proceedings of residents of California by the courts of a sister state cannot be conferred by agreement of the litigants. [6] As protector of the morals of her people it is the duty of a court of this commonwealth to prevent the dissolution of a marriage by the decree of a court of another jurisdiction pursuant to the collusion of the spouses. If by surrendering its power it evades the performance of such duty, marriage will ultimately be considered as a formal device and its dissolution freed from legal inhibitions. [7] Not only is a divorce of California [81 Cal.App.2d. 880] residents by a court of another state void because of the plaintiff’s lack of bona fide residence in the foreign state, but it is void also for lack of the court’s jurisdiction over the State of California. [8] This state is a party to every marriage contract of its own residents as well as the guardian of their morals. Not only can the litigants by their collusion not confer jurisdiction upon Nevada courts over themselves but neither can they confer such jurisdiction over this state.

[9] It therefore follows that a judgment of divorce by a court of Nevada without first having pursuant to its own laws acquired...


JUSTICE MAAG delivered the opinion of the court: This action was brought in April of 1993 by Carolyn and John West (grandparents) to obtain visitation rights with their grandson, Jacob Dean West. Jacob was born January 27, 1992. He is the biological son of Ginger West and Gregory West, Carolyn and John’s deceased son...
However, this constitutionally protected parental interest is not wholly without limit or beyond regulation. Prince v. Commonwealth of Massachusetts, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S.Ct. 438, 442 (1944). "The state has a wide range of power for limiting parental freedom and authority in things affecting the child’s welfare." Prince, 321 U.S. at 167, 88 L.Ed. 645, 64 S.Ct. at 442. In fact, the entire familial relationship involves the State. When two people decide to get married, they are required to first procure a license from the State. If they have children of this marriage, they are required by the State to submit their children to certain things, such as school attendance and vaccinations. Furthermore, if at some time in the future the couple decides the marriage is not working, they must petition the State for a divorce. Marriage is a three-party contract between the man, the woman, and the State. Linneman v. Linneman, 1 Ill. App. 2d 48, 50, 116 N.E.2d 182, 183 (1953), citing Van Koten v. Van Koten, 323 Ill. 323, 326, 154 N.E. 146 (1926). The State represents the public interest in the institution of marriage. Linneman, 1 Ill. App. 2d at 50, 116 N.E.2d at 183. This public interest is what allows the State to intervene in certain situations to protect the interests of members of the family. The State is like a silent partner in the family who is not active in the everyday running of the family but becomes active and exercises its power and authority only when necessary to protect some significant interest of family life. Taking all of this into consideration, the question no longer is whether the State has an interest or place in disputes such as the one at bar, but it becomes a question of timing and necessity. Has the State intervened too early or perhaps intervened where no intervention was warranted? This question then directs our discussion to an analysis of the provision of the Act that allows the challenged State intervention (750 ILCS 5/607(b) (West 1996)).

[West v. West, 689 N.E.2d. 1215 (1998)]

It is important to know how our property becomes connected with the franchise because all disputes in court relating to the “straw man” will relate to this property. In fact:

1. All rights are property.
2. Anything that conveys rights is property.
3. Contracts convey rights, and therefore are “property”.
4. All franchises are contracts and therefore are “property”.

American Jurisprudence Legal Encyclopedia 2d
Franchises, §2: As a Contract

It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present. 82 Conversely, a franchise granted without consideration is not a contract binding upon the state. 83 It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration. 84 As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state. 85

A contract thus created has the same status as any other contract recognized by the law; 86 it is binding mutually upon the grantor and the grantee and is enforceable according to its terms and tenor, 87 and is entitled to be protected from impairment by legislative action under the provision of the state and federal constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened. 88 The well-established rule as to franchises is that where a municipal corporation, acting within

---


85 Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 453.


its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee
accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract
is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be
impaired by a subsequent municipal enactment. Certain limitations upon this general rule, and particular
applications thereof, are discussed in the following section.

The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state
statute or in the constitution of the state. [American Jurisprudence 2d, Franchises, §2: As a Contract (1999)]

5. Any of your property that you connect to the franchise becomes “property” of the franchise itself. That donation
process occurs by attaching the franchise license number, which is the Social Security Number or Taxpayer
Identification Number, to your private property. All property so associated becomes “private property donated to a
public use to procure the benefits of a government franchise”.

"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.

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

6. A franchise with the government makes all property connected with the government into “public property” controlled
by the “public officer” instead of the private person who formerly owned it.

13.3 Franchise (property) courts

If any dispute arises under the franchise agreement, the franchise agreement normally specifies that the dispute must be
heard in what we call a “property court.” For instance, all federal district and circuit courts are “property” courts
established pursuant to Article 4, Section 3, Clause 2 of the United States Constitution, which states:

United States Constitution
Article 4, Section 3, Clause 2

Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; State ex rel. Shaver v. Iowa Tel. Co., 175 Iowa 607, 154 N.W. 678; Dayton v. South
Covington & C. Street R. Co., 177 Ky. 202, 197 S.W. 670; Shreveport Traction Co. v. Shreveport, 122 La., 1, 47 So 40; Benton Harbor v. Michigan Fuel &
Providence Gas Co. v. Thurber, 21 R.I. 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 S.W. 104; Salt Lake City v. Utah Light &
134, 114 S.E. 92, 28 A.L.R. 583, and disapproved on other grounds Richmond v. Virginia R. & Power Co., 141 Va. 69, 126 S.E. 353; Allen v. Forrest, 8
Wash. 700, 36 P. 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W.Va. 739, 35 S.E. 994, error dismd (US) 46 L.Ed. 1267, 22 S Ct 942; Wright v.
Milwaukee Electric R. & Light Co., 95 Wis. 29, 69 N.W. 791.

95 New York Electric Lines Co. v. Empire City Subway Co., 235 U.S. 179, 59 L.Ed. 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City,
230 U.S. 84, 57 L.Ed. 1400, 33 S Ct 997; Owensboro v. Cumberland Tel. & Tel. Co., 230 U.S. 58, 57 L.Ed. 1389, 33 S Ct 988; Omaha Water Co. v.
Omaha (CA8), 147 F. 1, app dismd 207 U.S. 584, 52 L.Ed. 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo. 281, 121 P. 747; Washington
v. Atlantic Coast Line R. Co., 136 Ga. 638, 71 S.E. 1066; Rushville v. Rushville Natural Gas Co. 164 Ind. 162, 73 N.E. 87; Michigan Tel. Co. v. St.
Mo. 86, 60 S.W. 77; Backus v. Lebanon, 11 N.H. 19; Northwestern Tel. Exch. Co. v. Anderson, 12 N.D. 585, 98 N.W. 706; Elliott v. Eugene, 135 Or.

97 The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or
corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or

91 Madera Waterworks v. Madera, 228 U.S. 454, 57 L.Ed. 915, 33 S.Ct 571.

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 6-6-2013
EXHIBIT:________
The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Federal district and circuit courts are NOT Article III constitutional courts, but simply property courts. This fact is exhaustively proven in the following book:

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

For an example of why federal district and circuit courts are Article IV courts, we need look no further than the federal judge’s oath. The judge oath is prescribed in 28 U.S.C. §453 and 5 U.S.C. §3331 and all federal judges take the same oath. The oath that all judges take is a combination of these two code sections and reads as follows:

“I, ________, do solemnly swear and affirm that I will administer justice without regard to persons and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all of the duties incumbent upon me as ________ under the Constitution and laws of the United States, and that I will support and defend the Constitution of the United States against all enemies foreign and domestic, that I will bear true faith and allegiance to the same, and that I take this obligation freely without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.”

The federal judge oath says that they will “administer justice without regard to persons”. If they don’t “regard persons”, then they can’t care about the Constitutional rights of such “persons”. Practical experience litigating in federal court has taught us that in fact, these “franchise courts” that administer federal franchises don’t give a DAMN about your rights as a “person” under the USA Constitution. Those participating in federal franchises, in fact, don’t have any rights, but only statutorily granted privileges or “public rights”.

It is VERY important that even property courts such as federal district and circuit courts cannot proceed without your consent:

1. They are officiating over a franchise and all franchises are property.
2. The ONLY way that a specific franchise agreement could lawfully become “property” in the first place is through a legally enforceable contract or agreement you expressly or impliedly consented to, usually in writing.
   2.1. Rights are not conveyed to the government without express or implied consent.
   2.2. Without proof on the record of the proceeding that you VOLUNTARILY surrendered an interest in private property, title to the property is PRESUMED to be EXCLUSIVELY PRIVATE and therefore BEYOND the CIVIL control of the government.
3. The public office being exercised UNDER the franchise agreement MUST have been LAWFULLY created AND LAWFULLY exercised. This means the party enforcing the franchise against you has the burden of proving ON THE RECORD with WRITTEN evidence of the following. Failure to introduce such evidence results in the commission of the crime of impersonating a public office in violation of 18 U.S.C. §912 by the judge and the government prosecutor.
   3.1. You were either lawfully appointed or elected to said PUBLIC office.
   3.2. You are exercising said office in the ONLY place expressly authorized, which is the District of Columbia pursuant to 4 U.S.C. §72.
   3.3. You occupied said office BEFORE signing up for the franchise. Government cannot offer “benefits” to or pay PUBLIC FUNDS to PRIVATE parties and no franchise agreement we have ever read EXPRESSLY authorizes the creation of any NEW public offices by simply applying for the franchise or filling out a tax form.
4. In any litigation involving a franchise, the first step in the litigation must include proving you are:
   4.1. Domiciled within the EXCLUSIVE jurisdiction of the court in question and therefore subject to the CIVIL laws of that jurisdiction under Federal Rule of Civil Procedure 17(b)…AND
   4.2. Subject to the civil franchise agreement. This is proven by introducing a document evidencing EXPRESS WRITTEN CONSENT to the franchise agreement. In a tax case, for instance, the court would need to show that you are a franchisee called a “taxpayer” as legally defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.
5. The court cannot lawfully officiate over any dispute until you consent to their jurisdiction by making an “appearance” in the matter, which is legally defined as consenting to the jurisdiction of the court:

appearance. A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The voluntary submission to a court's jurisdiction.

Proof that There Is a “Straw man”
In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his behalf. See e.g., Fed.R.Crim.P. 43.

An appearance may be either general or special: the former is a simple and unqualified or unrestricted submission to the jurisdiction of the court; the latter is a submission to the jurisdiction for some specific purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the jurisdiction of court. Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d 372, 375, 376. [Black’s Law Dictionary, Sixth Edition, p. 97]

The party seeking to enforce a right under a franchise agreement in a court of law therefore has the burden of proving that you as the defendant or respondent did one or more of the following:

1. Expressly consented to the franchise agreement in writing at some point.
2. Never denied that you were engaged in the franchise.
3. Described yourself as a “franchisee” such as a “taxpayer”.
4. Are in possession, use, or control of the franchise license number called a Social Security Number or Taxpayer Identification Number.
5. Waived sovereign immunity under the Foreign Sovereign Immunities Act by either:
   5.1. Engaging in any of the activities described in 28 U.S.C. §1605 OR . . .
   5.2. By declaring yourself to be a “citizen” under the law of the foreign sovereign pursuant to 28 U.S.C. §1603(b)(3).
6. Availed yourself of the “benefits” of the franchise by accepting payments in connection with it.

Absent one or more of the above, you are presumed innocent until proven guilty, which means you are not a franchisee such as a “taxpayer” and cannot lawfully become the target of enforcement by the court.

The presumption of innocence plays a unique role in criminal proceedings. As Chief Justice Burger explained in his opinion for the Court in Estelle v. Williams, 425 U.S. 501 (1976): [507 U.S. 284]:

The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice. Long ago this Court stated:

The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law. Coffin v. United States, 156 U.S. 432, 453 (1895).

To implement the presumption, courts must be alert to factors that may undermine the fairness of the factfinding process. In the administration of criminal justice, courts must carefully guard against dilution of the principle that guilt is to be established by probable evidence and beyond a reasonable doubt. In re Winship, 397 U.S. 358, 364 (1970), [425 U.S. 501, 504]

[Delo v. Lashley, 507 U.S. 272 (1993)]

13.4 Proceedings against “straw man” are “in rem”

Any proceeding involving the enforcement of any provisions of the franchise agreement in court is always against the “res”. The “res”, in turn, is the collection of all rights that attach to the “public office” and the franchise license which creates the office:

Res. Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res.”
according to the modern civilians, is meant everything that may form an object of rights, in opposition to
"persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions
of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference
to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

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

In law, any proceeding that is against a “res” or “license” is called “in rem”.

In rem. A technical term used to designate proceedings or actions instituted against the thing, in
contradistinction to personal actions, which are said to be in personam.

“In rem” proceedings encompass any action brought against person in which essential purpose of suit is to
determine title to or to affect interest in specific property located within territory over which court has
jurisdiction. ReMine ex rel. Lifey v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382.
It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object
the disposition of property, without reference to title of individual claimants; but, in a larger and more general
sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of
property owned by them, or of some interest therein. Such are cases commenced by attachment against the
property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. Pennoyer v.
Neff, 95 U.S. 714, 24 L.Ed. 565. In the strict sense of the term, a proceeding “in rem” is one which is taken
directly against property or one which is brought to enforce a right in the thing itself.

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

See also in personam; In rem jurisdiction; Quasi in rem jurisdiction.

An example of an “in rem” proceeding involving a franchise would be an action for a divorce, which is an action to
extinguish the “res” or marriage “license”.

It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an
action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the
‘marriage status’ is the res. Both parties to the marriage, and the state of the residence of each party to the
marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action
for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases
assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the
jurisdiction. Ditsin v. Ditsin, 4 R.I. 87, is the leading case so holding; see, also, Andrews v. Andrews, 188 U.S.
14, 23 S.Ct. 237, 47 L.Ed. 359. Until 1905 the overwhelming weight of authority was to the effect that, if the
petitioning party was properly domiciled in the state where he had resided in good faith in any state, that state could render a divorce decree on constructive service valid not only in the state of its rendition, but which would be recognized everywhere. In
Atherton v. Atherton, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, the United States Supreme Court apparently
recognized that doctrine. In that case the parties were living together and domiciled in Kentucky. That state was
the last state where the parties lived together as husband and wife. The wife left the husband and came to and
became domiciled in **271 New York. She brought an action for divorce in New York, her husband defending
on the ground that he had secured a divorce in Kentucky on constructive service. New York refused to recognize
the validity of the Kentucky decree, on the ground that Kentucky could not issue such an action affect the status of
a citizen of New York. The United States Supreme Court reversed the New York decisions (82 Hun. 179, 31 N.Y.
S. 977; Id. 155 N.Y. 129, 49 N.E. 933, 40 L. R. A. 291, 63 Am. St. Rep. 650) and held that the Kentucky
decree was entitled to full faith and credit even though the wife was not served with process and not appear in
the Kentucky action, and even though at the time the decree was rendered the wife was a resident of
and domiciled in New York. In so holding, however, the court pointed out that the reason the Kentucky decree was
entitled to full faith and credit was because Kentucky had jurisdiction over the marriage status by virtue of the
fact that that state was the matrimonial domicile, i.e., the last place the parties lived together as husband and
wife. Then in 1905, the United States Supreme Court decided the Haddock Case, supra. Here the parties were
married and domiciled in the state of New York. The husband, without cause, abandoned his wife and went to
and acquired a domicile in Connecticut. Thereafter the husband secured in Connecticut a divorce on
constructive service. Several years later the wife sued for divorce in New York, and secured personal service on
the husband. The husband set up as a defense the Connecticut decree. New York refused to recognize it. The
Supreme Court of the United States held that although the Connecticut decree was probably good in that state,
it was without binding force in New York, and was not entitled to full faith and credit. The court pointed out that

Proof that There Is a “Straw man” 216 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT:_______
the matrimonial domicile of the parties was New York, and that in such a case Connecticut had no jurisdiction over the marriage status so as to affect the status of a New York resident. New York could recognize the Connecticut decree, but it could not be compelled to do so under the full faith and credit clause. The result of this decision has been to create a hopeless conflict of authority as to the status of a foreign divorce rendered against a nondomiciled defendant on constructive service. Some courts refuse to recognize foreign decrees so rendered as against their own residents. It should be noted that Pennsylvania, the state rendering the decree involved in the instant case, is a state which refuses to grant any efficacy to a foreign decree secured on constructive service against one of its own citizens, at least where Pennsylvania is the matrimonial domicile.

Colvin v. Reed, 55 Pa. 375; Duncan v. Duncan, 265 Pa. 464, 109 A. 220. Other states recognize such decrees to their full extent, permitting them to be attacked solely on jurisdictional grounds. Among this latter group of states there is hopeles conflict of authority as to what constitutes a jurisdictional defect which can be collaterally attacked in a sister state. See 39 A.L.R. 603 AND 42 A.L.R. 1405; notes where the cases are exhaustively collected and commented upon.

[Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d. 719 (CA. 1932)]

In a tax proceeding the “res” is the Taxpayer Identification Number (TIN) and the “account” that attaches to it.

1. Applying for the number AND consensually using it WHILE you are lawfully serving in a public office makes you an “individual” and a “person” who is then “subject to the I.R.C.” because engaged in a franchise. Without applying for such a number AND ALSO occupying a public office WHILE you use it in connection with a specific transaction, you couldn’t be a statutory “individual” and therefore would not be the “person” described in 26 U.S.C. §7701(a)(1) who is subject to the code.

2. Possessing or using said number constitutes prima facie evidence that you are THE “individual” described in the I.R.C. and defined in 26 C.F.R. §1.1441-1(c)(3):

26 C.F.R. §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c ) Definitions

(3) Individual.

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

(ii) Nonresident alien individual.

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

3. The TIN acts as the de facto “license” to engage in the franchise or “public right”.

4. Use or disclosure of the TIN is prima facie evidence that you are engaging in franchises or public rights. It’s use is only MANDATORY for persons engaged in all of the following activities described on IRS Form 1042-S Instructions, all of which are “franchises” and “public rights” that trigger jurisdiction of the I.R.C. upon the activities

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

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

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

Note: For these recipients, exemption code 01 should be entered in box 6.

- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
• Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
• A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c) or as a private foundation.
• Any QI.
• Any WP or WT.
• Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services (services connected with a "trade or business").
• Any foreign grantor trust with five or fewer grantors.
• Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S. (IRS Form 1042's Instructions, Year 2006, p. 141)

The content of the above is also repeated in the regulations at 26 C.F.R. §301.6109-1(b).

5. The TIN is used to create and maintain the “account” in the Individual Master File (IMF) which tracks the exercise of the “public office” that is the subject of the tax.

6. The TIN is the property of the government, just like the Social Security Number.

6.1. They use it to penalize you.

6.2. They can’t penalize you without you consensually asking for the number to begin with on an IRS Form W-7 or W-9.

6.3. They couldn’t penalize you for the use of this property if it WASN’T THEIRS. The whole notion behind property is the right to either exclude others from using it or dictating how it is used. Otherwise you could penalize them for using it against you if it was your “property”.

If you want to avoid all the above presumptions being employed against you in connection with compelled use of Taxpayer Identification Numbers and Social Security Numbers, we recommend the following form be attached to ALL IRS forms you are compelled to fill out and submit:

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

13.5 Disassociating yourself from the “straw man” on the record of the proceeding

It is important to be able to meet the burden of proof that you AREN’T appearing and CAN’T lawfully appear in a court proceeding as a “public officer” or “straw man”. Imagine being in front of a judge who is demanding that you plead guilty or not guilty to a tax crime if you aren’t a “public officer” called a “taxpayer”. In effect, he is asking you to commit the crime of impersonating a public officer in violation of 18 U.S.C. §912 by forcing you to enter a plea. Imagine how effective it can be to simply state and be able to prove that it is a crime to even enter a plea. This is very important stuff folks!

So how do we satisfy the burden of proving in court with evidence that we are NOT engaged in a “public office”? This section will give you some suggestions. The U.S. Supreme Court helped clarify how to meet the burden of proving that you aren’t a “public officer” or a “straw man” when it held the following:

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

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

[. . .]

Given that the statutory authorization for the challenges exercised in this case is clear, the remainder of our state action analysis centers around the second part of the Lugar test, whether a private litigant, in all fairness,
must be deemed a government actor in the use of peremptory challenges. Although we have recognized that this aspect of the analysis is often a fact-bound inquiry, see Lugar, supra, 457 U.S. at 939, our cases disclose certain principles of general application. Our precedents establish that, in determining whether a particular action or course of conduct is governmental in character, it is relevant to examine the following:


[3] and whether the injury caused is aggravated in a unique way by the incidents of governmental authority, see Shelley v. Kraemer, 334 U.S. 1 (1948).

Based on our application of these three principles to the circumstances here, we hold that the exercise of peremptory challenges by the defendant in the District Court was pursuant to a course of state action.

[Edmonson v. Leesville Concrete Company, 500 U.S. 614 (1991)]

Based on the above, you are representing the government as a public officer or employee if:

   1.1. Social security.
   1.2. Medicare.
   1.3. Unemployment insurance.
   3. You caused someone an injury that was aggravated by the fact that you were exercising governmental authority. See Shelley v. Kraemer, 334 U.S. 1 (1948). For instance:
      3.1. You were acting as a “withholding agent” as defined in 26 U.S.C. §7701(a)(16) and you did it improperly or unlawfully, you are presumed to be a “public officer” in the government.
      3.2. You were acting as a “taxpayer” as defined in 26 U.S.C. §7701(a)(14) and submitted a “taxpayer” form to the government, and the form contained falsehoods, then you are presumed to be a government actor. All “taxpayers” are public officers in the government engaged in the “trade or business” and “public office” franchise. See:

   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

We also described in detail earlier in section 5.2 exactly who are “public officers” and all the legal requirements that must be met in order to lawfully occupy a public office in the government. The burden of proving you aren’t a “public officer” is therefore satisfied using the following tactics:

1. Stating under penalty of perjury in the record of the proceedings and in open court the following in the context of the proceeding. Demand that if the opposition has any proof to the contrary, that they introduce said evidence IMMEDIATELY into the record so that it can be rebutted:
   1.1. You are NOT any of the following:
      1.1.1. “public officer”
      1.1.5. “inhabitant”.
      1.1.6. “person” as defined in 26 U.S.C. §7701(c) .
      1.1.7. “individual” as defined in 26 C.F.R. §1.1441-1(c)(3).
   1.2. You are NOT engaged in a “trade or business” as defined in 26 U.S.C. §7701(a)(26).
2. If the Court argues with you about any of the above statuses:
   2.1. Remind them that they are PROHIBITED BY LAW from declaring your status in the context of taxes and that YOU are the ONLY one who can declare your status. See the Declaratory Judgments Act, 28 U.S.C. §2201(a).
2.2. Introduce the following into the record to prove that YOU are the only one who can declare your civil status and that this declaration is your method of exercising your First Amendment protected right to either politically associate or disassociate with the “state”. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008
http://sedm.org/Forms/FormIndex.htm

3. Claim that you don’t satisfy all the legal requirements for occupying a public office described in section 9 and demanding that the government, as the moving party asserting that you do, MUST satisfy the burden of proving otherwise ON THE RECORD WITH EVIDENCE.

4. Not cite any provision from any of the following franchise agreements. All you do by citing the provisions of private contract law is prove that you are subject to it, which is a NO NO.

4.1. Internal Revenue Code, Subtitle A “trade or business” franchise agreement. Don’t claim the benefits or protections of any provision of the I.R.C. franchise agreement, because all you do by attempting this is admit that you are a “taxpayer” who is subject to it! For instance, here is a provision you WOULDN’T want to cite:

TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter B > § 7433
§ 7433. Civil damages for certain unauthorized collection actions

(a) In general

If, in connection with any collection of Federal tax with respect to a taxpayer, any officer or employee of the Internal Revenue Service recklessly or intentionally, or by reason of negligence, disregards any provision of this title, or any regulation promulgated under this title, such taxpayer may bring a civil action for damages against the United States in a district court of the United States. Except as provided in section 7432, such civil action shall be the exclusive remedy for recovering damages resulting from such actions.

4.2. Social Security Act, Title 42, Chapter 7.

4.3. The motor vehicle code in your state.

5. Invoke the common law and the Constitution or state law as your only defense. Almost all statutory civil statutory law passed by the feds is law for the government and those domiciled on federal territory and not you, as a private person domiciled outside of federal territory. See:

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

6. Don’t identify yourself as a franchisee called a “taxpayer”, “citizen”, “resident”, or “inhabitant” either in your administrative or legal paperwork or your speech. Instead you attach the following:

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

7. Contradict anyone who calls you a franchisee called a “taxpayer”, “benefit recipient”, “citizen”, “resident”, or “inhabitant”, or even “defendant”.

8. Don’t file your case in a legislative franchise court such as U.S. Tax Court. 26 U.S.C. §7441 indicates that this court is an Article I, legislative franchise court, meaning an administrative agency, within the legislative and not judicial department. Tax Court Rule 13(a) says the court is ONLY available to “taxpayer”. Instead, you must file your case in a state court under the common law directly against the offending agent who did the assessment. See:

The Tax Court Scam, Form #05.039
http://sedm.org/Forms/FormIndex.htm

9. Provide proof that you withdrew from Social Security. See:

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

10. Provide proof that you aren’t eligible and never have been eligible for Social Security. See:

Why You Aren’t Eligible for Social Security, Form #06.001
http://sedm.org/Forms/FormIndex.htm

11. Provide proof that you aren’t eligible and never have been eligible for a Taxpayer Identification Number. See:

Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”, Form #04.205
http://sedm.org/Forms/FormIndex.htm

12. Show them all the responses you provided to government correspondence in which you lined out the number and said it was “WRONG”.

13. Point out that what the government calls “benefits” really don’t amount to ANYTHING.

“... railroad benefits, like social security benefits, are not contractual and may be altered or even eliminated at any time.”

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT:_____
“We must conclude that a person covered by the Act has not such a right in benefit payments... This is not to say, however, that Congress may exercise its power to modify the statutory scheme free of all constitutional restraint.”


13.1. You have no legally enforceable right to ANYTHING in a real, constitutional court.
13.2. They could entirely eliminate it at any time without any liability.
13.3. The franchise agreement, which is a contract, is therefore unenforceable because it lacks the most important element, which is REAL consideration.

For details on the above, see:
The Government “Benefits” Scam, Form #05.040
http://sedm.org/Forms/FormIndex.htm

14. Insist that it is a crime to impersonate a public officer in criminal violation of 18 U.S.C. §912 and that it would be a crime to even participate in any tax proceeding as a “taxpayer” because of this. The reasons include:

14.2. There is no definition of “State” or “United States” within the I.R.C. that expressly includes any state of the Union. Therefore, they are purposefully excluded by implication:

“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another...”


14.3. The only remaining internal revenue district within which the I.R.S. can enforce as required by 26 U.S.C. §7601 is the District of Columbia pursuant to Treasury Order 150-02. There are not internal revenue districts within any state of the Union.
14.4. Demonstrate to them that they have NO LAWFUL AUTHORITY to either establish or exercise a “public office” within the boundaries of a state of the Union. See section 8 of the following:

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

16. Prevent abuse of presumptions and “words of art” to connect you to all franchises and offices by attaching the following to your initial complaint or response:

Rules of Presumption and Statutory Interpretation, Litigation Tool #10.003
http://sedm.org/Litigation/LitIndex.htm

17. Rebut all evidence that might connect you to any federal franchise, such as:

17.1. Identifying numbers.
17.2. Information returns, such as IRS Forms W-2, 1042-S, and 1099.
17.3. Government “benefits” applications filed by others.

If you don’t do as many of the above as you can, then the courts will prejudicially and usually unconstitutionally presume all the following about you:

1. You fit one of the following two categories under Federal Rule of Civil Procedure 17(b):
   1.1. You maintain a domicile on federal territory within the district... OR
1.2. You are engaged in federal franchises and therefore acting in the capacity of the “Public Officer” mentioned in Federal Rule of Civil Procedure 17(d).

2. You are a “public officer” within the government.

3. You are partaking of a “public right” and statutory “privilege”.

4. You are not protected by the constitution, but only have such “public rights” as Congress confers by statute.

5. You consented to participate in the franchise because you didn’t indicate duress or rebut the evidence connecting you to the franchise.

If you would like more resources on how to litigate successfully as a sovereign, a non-resident non-person, and a “transient foreigner” who does not participate in government franchises, see:

Civil Court Remedies for Sovereigns: Taxation, Litigation Tool #10.002 http://sedm.org/Litigation/LitIndex.htm

13.6 Effect of representing the “straw man” on your standing

The most important effect of partaking in a franchise or public right upon your standing in federal court is that you are effectively signing a blank check because:

1. The government grantor of the franchise can change the terms of the franchise agreement at any time without notice to you.

2. The franchise agreement often determines choice of law and frequently even dictates the forum in which disputes must be litigated. The Internal Revenue Code, Subtitle A franchise agreement for franchisees called “taxpayers”, for instance, says that the forum that disputes are litigated under is the District of Columbia. See 26 U.S.C. §§7701(a)(39) and 7408(d).

"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself [as a “public right”, which is a euphemism for a “franchise”] to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 129 U.S. 9 Sup Ct. 12, 35 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 438, 4 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 194, 19 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174."

---

Proof that There Is a “Straw man” 222 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013 EXHIBIT:____
The list above is the reason why both the Founding Fathers and the Bible says you should MUST avoid franchises at all costs:

"Take heed to yourself, lest you make a covenant [contract or franchise] with the inhabitants of the land where you are going, lest it be a snare in your midst. But you shall destroy their altars, break their sacred pillars, and cut down their wooden images (for you shall worship no other god, for the LORD, whose name is Jealous, is a jealous God), lest you make a covenant [engage in a franchise, contract, or agreement] with the inhabitants of the land, and they play the harlot with their gods [pagan government judges and rulers] and make sacrifice [YOU and your RIGHTS!] to their gods, and one of them invites you and you eat of his sacrifice, and you take of his daughters for your sons, and his daughters play the harlot with their gods and make your sons play the harlot with their gods."

[Exodus 34:10-16, Bible, NKJV]

The “gods” referred to above are the “parens patriae” that you nominate to be your ruler whenever you sign up for a franchise or government “benefit”.

"The more you want [privileges], the more the world can hurt you."

[Confucius]

"The proposition is that the United States, as the grantor of the franchises of the company, the author of its charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted for the public."

[U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]

PARENS PATRIAE. Father of his country; parent of the country. In England, the king. In the United States, the state, as a sovereign—referring to the sovereign power of guardianship over persons under disability. In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.


Here is what the Founding Fathers also said about avoiding participation in government franchises, which are all contracts:

"My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic; but to keep the United States free from political connections with every other Country, To see that they may be independent of all, and under the influence of none. In a word, I want an American character, that the powers of Europe may be convinced we act for ourselves and not for others [as contractors, franchisees, or "public officers"]; this, in my judgment, is the only way to be respected abroad and happy at home.”

[George Washington, (letter to Patrick Henry, 9 October 1775);
Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

"About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship with all nations — entangling alliances [contracts, treaties, franchises] with none."

[Thomas Jefferson, First Inaugural Address, March 4, 1801]

13.7 Effect of franchises on Constitutional Requirement for “due process of law”: NONE REQUIRED

Due process of law is defined as follows:
Due process of law. Law in its regular course of administration through courts of justice. Due process of law in each particular case means such an exercise of the powers of the government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe for the class of cases to which the one in question belongs. A course of legal proceedings according to those rules and principles which have been established in our systems of jurisprudence for the enforcement and protection of private rights. To give such proceedings any validity, there must be a tribunal competent by its constitution—that is, by the law of the creation—to pass upon the subject-matter of the suit; and, if that involves merely a determination of the personal liability of the defendant, he must be brought within its jurisdiction by service of process within the state, or his voluntary appearance. Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565. Due process of law implies the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, or property, in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of right in the matter involved. If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.

An orderly proceeding wherein a person with notice, actual or constructive, and has an opportunity to be heard and to enforce and protect his rights before a court having the power to hear and determine the case. Kazubowski v. Kazubowski, 45 Ill.2d. 405, 259 N.E.2d. 282, 290. Phrase means that no person shall be deprived of life, liberty, property or of any right granted him by statute, unless matter involved first shall have been adjudicated against him upon trial conducted according to established rules regulating judicial proceedings, and it forbids condemnation without a hearing. Pettit v. Penn, LaApp., 180 So.2d. 66, 69. The concept of “due process of law” as it is embodied in the Fifth Amendment demands that a law shall not be unreasonable, arbitrary, or capricious and that the means selected shall have a reasonable and substantial relation to the object being sought. U.S. v. Smith, D.C.Iowa, 249 F.Supp. 515, 516. Fundamental requisite of “due process of law” is the opportunity to be heard, to be aware that a matter is pending, to make an informed choice whether to acquiesce or contest, and to assert before the appropriate decision-making body the reasons for such choice. Trinity Episcopal Corp. v. Romney, D.C.N.Y., 387 F.Supp. 1044, 1084. Aside from all else, “due process” means fundamental fairness and substantial justice. Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d. 879, 883.

Embodied in the due process concept are the basic rights of a defendant in criminal proceedings and the requisites for a fair trial. These rights and requirements have been expanded by Supreme Court decisions and include, timely notice of a hearing or trial which informs the accused of the charges against him or her; the opportunity to confront accusers and to present evidence on one’s own behalf before an impartial jury or judge; the presumption of innocence under which guilt must be proven by legally obtained evidence and the verdict must be supported by the evidence presented; rights at the earliest stage of the criminal process; and the guarantee that an individual will not be tried more than once for the same offence (double jeopardy).


As indicated above, the purpose of due process of law is:

1. To protect rights identified within but not granted by the Constitution of the United States.

   “The rights of individuals and the justice due to them, are as dear and precious as those of states. Indeed the latter are founded upon the former; and the great end and object of them must be to secure and support the rights of individuals, or else vain is government.”

   [Chisholm v. Georgia, 2 U.S. (2 Dall.) 419, 1 L.Ed. 440 (1793)]

2. To protect private rights but not public rights. Those engaged in any of the following are not exercising private rights, but public rights:


      Government Instituted Slavery Using Franchises, Form #05.030

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

   2.2. Government “benefits”. See:

      The Government “Benefits” Scam, Form #05.040

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

   2.3. Public office.

   2.4. “trade or business”, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.

   2.5. Licensed activities, which are franchises.

3. To prevent litigants before a court of being deprived of their property by the court or their opponent without just compensation. In law, all rights are property and any deprivation of rights without consideration is a deprivation of property in violation of the Fifth Amendment takings clause. Those who violate due process essentially are STEALING from their opponent.
“Men are endowed by their Creator with certain unalienable rights, ‘life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit [e.g. SOCIAL SECURITY, Medicare, and every other public “benefit”]; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.”

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

4. Prevent presumptions, and especially conclusive presumptions, that may injure the rights of the litigants by insisting that only physical evidence with foundational testimony may form the basis for any inferences by the court or the jury.

“If any question of fact or liability be conclusively be presumed [rather than proven] against him, this is not due process of law.”


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

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

[Federal Civil Trials and Evidence, Rutter Group, 2006, paragraph 8:4993, p. 8K-34]

From the above, we can see that if the controversy being litigated involves a franchise, which means a public and not private right, then those representing the “public office” personified by the franchise:

1. Are NOT entitled to due process of law in a constitutional sense because public offices are domiciled on federal territory not protected by the constitution. As an example, see the following holding of the Supreme Court, in which the “trade or business” franchise was at issue. The reason the U.S. Supreme Court in Turpin below had never ruled on “due process” in the context of tax collection up to that time should be obvious: Income taxation is a franchise and a public right, rather than a private right:

“Exactly what due process of law requires in the assessment and collection of general taxes has never been decided by this court, although we have had frequent occasion to hold that, in proceedings for the condemnation of land under the laws of eminent domain, or for the imposition of special taxes for local improvements, notice to the owner at some stage of the proceedings, as well as an opportunity to defend, is essential. [Cites omitted.] But laws for the assessment and collection of general taxes stand upon a somewhat different [meaning statutory rather than constitutional] footing, and are construed with the utmost liberality, sometimes even to the extent of holding that no notice whatever is necessary. Due process of law was well defined by Mr. Justice Field in Hagar v. Reclamation Dist., No. 108, 111 U.S. 701, 28 L.Ed. 569, 4 Sup.Ct.Rep. 663, in the following words: ‘It is sufficient to observe here, that by ‘due process' is meant one which, following the forms of law, is appropriate to the case, and just to the parties to be affected. It must be in pursuance of the ordinary mode prescribed by the law; it must be adapted to the end to be attained; and wherever it is necessary for the protection of the parties, it must give them an opportunity to be heard respecting the justice of the judgment sought. The clause in question means, therefore, that there can be no proceeding against life, liberty, or property which may result in deprivation of either, without the observance of those general rules established in our system of jurisprudence for the security of private rights.”

Under the Fourth Amendment, the legislature is bound to provide a method for the assessment and collection of taxes that shall not be inconsistent with natural justice; but it is not bound to provide that the particular steps of a procedure for the collection of such taxes shall be proved by written evidence; and it may properly impose upon the taxpayer the burden of showing that in a particular case the statutory method was not observed.”


“[We can hardly find a denial of due process in these circumstances, particularly since it is even doubtful that appellee’s burdens under the program outweigh his benefits. It is hardly lack of due process for the Government to regulate that which it subsidizes.”

[Westbrook v. Filburn, 317 U.S. 111, 63 S.Ct. 82 (1942)]
2. Are subject to the arbitrary whims of whatever bureaucrat administers the franchise and may not pursue recourse in a true, constitutional Article III court. Instead, their case must be heard in an Article IV territorial franchise court, because the case involves public property. All franchises are public property of the grantor, which is the government.

"These general rules are well settled: (1) That the United States, when it creates rights in individuals against itself in "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the transaction, is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v. Black, 128 U.S. 9 Sup.Ct. 12. 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439. 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188. 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419. 431. 433. 48 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 55 Sup.Ct. 598, 59 L.Ed. 520, Ann. Cas. 1916A, 115; Arnn v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnett v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers & Mechanics' National Bank v. De Groot, 91 U.S. 28, 32, 22 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 498, 19 Sup.Ct. 303, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 724, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200); 249 U.S. 440, 39 Sup.Ct. 540, 63 L.Ed. 696. decided April 14, 1919. But here Congress has provided: [U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 12, 32 L.Ed. 354 (1919) ]

3. Should not be arguing that due process of law has been violated, unless:

3.1. They have stated under penalty of perjury that the controversy does not involve a franchise.
3.2. They have stated under penalty of perjury that they are not representing a public officer nor acting as a public officer in the context of the proceeding.
3.3. They have rebutted all evidence that might connect them to the franchise, such as government identifying numbers, statutory "citizen" or resident status, and all information returns (e.g. IRS Forms 1042-s, 1098, 1099, and W-2).
3.4. They have evidence to show that they do not consent to receive any of the "benefits" of the franchise. The following form ensures this, if attached to all tax forms you fill out:

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

3.5. They were not domiciled on federal territory at the time and therefore were not eligible to participate in the franchise.

13.8 Investigating further

Lastly, if you would like to see all of the effects that franchises have upon your rights as a person filling the shoes of the "straw man" in court litigation, then we recommend the following:

1. Government Instituted Slavery Using Franchises, Form #05.030, Sections 12 to 12.5.
http://sedm.org/Forms/FormIndex.htm
2. Federal Jurisdiction, Form #05.018, Sections 4 through 4.7.
http://sedm.org/Forms/FormIndex.htm

13.9 Statutes limited to federal territory can reach the straw man ANYWHERE

Those who study statutory federal law often notice the following distinct characteristics about it:

1. The geographical definitions are limited to federal territory not within the exclusive jurisdiction of any constitutional state of the Union.
2. Because the geographical definitions are limited to federal territory, they PRESUME, sometimes wrongfully, that the specific code or law in question CANNOT BE ENFORCED within a constitutional state of the Union.
3. They conclude that because the statute cannot be enforced in a state of the Union, then the government has no jurisdiction over the them as the opposing party in court.
4. Examples of specific Titles of the U.S. Code where this often happens include the following:
4.1. Title 8: Aliens and Nationality.
4.2. Title 26: Income tax
4.3. Title 42: Social Security

Proof that There Is a “Straw man”
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT:_______
In this section we will show that the above approach can sometimes be described as:

1. Overly simplistic.
2. Incorrect.
3. Presumptuous.

One of our readers at one time clearly proved that the geographical definitions within Title 8 of the U.S. Code were limited ONLY to federal territory, and therefore that all the civil statuses found in Title 8 of the U.S. Code could therefore not apply within a state of the Union. You can read the debate that gave rise to this in our member forums at:

SEDM Forums, Forum 2.2: Developing Evidence of Citizenship and Sovereignty

You will need a free Member Forum account to view the above discussion before the link will work.

Below is an instructive rebuttal to his arguments that really helps shed light on an important dimension of civil jurisdiction that is often overlooked.

Now we would like to bring up some additional issues that were not addressed by your analysis. Your analysis was excellent but incomplete. You only dealt with HUMANS and physical territory, but there is more to the picture as we pointed out which explains why they can still naturalize people in states of the Union and why people in states of the Union can be "present in the United States" even though not on federal territory or in the "United States**" for the purposes of naturalization.

1. As we said in the following, there are TWO types of "PRESENCE": PHYSICAL as a human and LEGAL as an OFFICE. See:
   1.1. Nonresident Alien Position, Form #05.020, Sections 2.4.6 and 2.4.7
   DIRECT LINK: http://sedm.org/Forms/FormIndex.htm
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   1.2. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 11.5.3
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   1.3. Why You are a "national", "state national" and Constitutional but not Statutory Citizen, Form #05.006, Sections 1.4.4 and 1.4.5
   DIRECT LINK: http://sedm.org/Forms/FormIndex.htm
   FORMS PAGE: http://sedm.org/Forms/FormIndex.htm
   VIDEO: http://www.youtube.com/watch?v=DvnTL_Z5asc

2. One can be "LEGALLY PRESENT" in the "United States**" (GOVERNMENT) as a LEGAL PERSON without being PHYSICALLY present in the geographical "United States**".
   2.1. This is the same thing they do with the tax code. The offices are domiciled in the District of Columbia but the OFFICER is a resident agent domiciled in a completely different jurisdiction.
   2.2. The Social Security SS-5 form even recognizes this type of "LEGAL presence" by calling aliens "LEGAL Aliens allowed to work". Why not just call them "Aliens allowed to work"?
   2.3. This is like the MULTIPURPOSE use of the passport application you explained earlier.

Below is an example from the Delaware code:

10 Del.C. §3104 provides in pertinent part:

"(a) The term 'person' in this section includes any natural person, association, partnership or corporation.

(b) The following acts constitute legal presence within the state. Any person who commits any of the acts hereinafter enumerated thereby submits himself to the jurisdiction of the Delaware courts and is deemed thereby to have appointed and constituted the Secretary of State of this State his agent for the acceptance of legal process in any civil action against such nonresident person arising from the following enumerated acts. The acceptance shall be an acknowledgement of the agreement of such nonresident that any process when so
served shall have the same legal force and validity as if served upon such nonresident personally within the State, and that such appointment of the Secretary of State shall be irrevocable and binding upon his personal representative.

(c ) As to a cause of action arising from any of the acts enumerated in this section, a court may exercise personal jurisdiction over any nonresident, or his personal representative, who in person or through an agent:

(1) Transacts any business or performs any character of work or service in the State;

(2) Contracts to supply services or things in this State;

(3) Causes tortious injury in the State by an act or omission in this State;

(4) Causes tortious injury in the State or outside of the State by an act or omission outside the State if he regularly does or solicits business, engages in any other persistent course of conduct in the State or derives substantial revenue from services, or things used or consumed in the State;

(5) Has an interest in, uses or possesses real property in the State; or

(6) Contracts to insure or act as agent or surety for, or on, any person, property, risk, contract, obligation or agreement located, executed or to be performed within the State at the time the contract is made, unless the parties otherwise provide in writing.”


Notice above that "contracts", which includes franchises, make one a "person" within "the state" even though not PHYSICALLY present in the state. Hence "PERSONal jurisdiction".

3. For the purpose of naturalization, "PRESENCE" is required, per 8 U.S.C. 1427. They very deliberately don't say PHYSICAL presence, because there is more than one type of "PRESENCE" and more than one type of "PERSON" involved. This is just like the distinctions between "nationals of the United States**" and "nationals of the United States***" on the passport application.

4. Those being naturalized are privileged ALIENS, and that status is a CIVIL status that carries obligations. Hence, it is a PUBLIC OFFICE or AGENT of the government. Otherwise, aliens would be PRIVATE and beyond the jurisdiction. They become PUBLIC by virtue of APPLYING for a Green Card. Otherwise, they would be subject to deportation. Hence, the right to remain in the country as a foreign national is a PRIVILEGE and therefore a FRANCHISE that you have to APPLY for AND by implication CONSENT to:

Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and being protected by it, they must defend it, although they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizens of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.


5. The privileged status of aliens is called "resident" after they get their Green Card. Making application for the Green card literally amounts to CONTRACTING with the government to procure a LESS-privileged status. That is why we call government ID a "rent-an-ident" service. They are SELLING you privileges and offices and statuses. All such offices and the PUBLIC rights that attach to them are PROPERTY of Caesar and can be loaned with CONDITIONS. The borrower is ALWAYS servant to the lender and YOU are the borrower. A "resident" is a "res" which is "ident"-ified within the CIVIL STATUTORY LAWS of the jurisdiction because LEGALLY present WITHIN the government as an office. It need not be PHYSICALLY present to be a res-ident. We're sure you know that it is a maxim of law that debt and contract KNOW NO PLACE. Hence, begin in legislatively foreign territory where you are PHYSICALLY located does not protect you from the consequences of consensually exercising your own right to contract.

"Debitum et contractus non sunt nullius loci. Debt and contract are of no particular place."


6. The questions for the purposes of naturalization are:

6.1. WHICH "party" is "PRESENT": The HUMAN or the OFFICE?
6.2. WHICH "United States" are they present IN?: The GEOGRAPHICAL "United States**" or the "United States" as a legal person and corporation?

6.3. Is the presence PHYSICAL or LEGAL/VIRTUAL or BOTH?

7. These considerations are the ONLY thing that explains how they can lawfully naturalize people outside their geographical territory. If this weren't so, they couldn't naturalize ANYONE in a CONSTITUTIONAL/geographical state of the Union because it would be outside the "United States**!"

8. To naturalize anyone WITHOUT these considerations would require the invocation of the COMMON LAW and/or the CONSTITUTION as the SOLE authority, and based on 8 U.S.C. §1401 and the West Keycites on "nationals of the United States" provided earlier, this is NEVER done. The courts always cite the STATUTES as the EXCLUSIVE authority for naturalization.

9. These considerations are underscored by the following:

   "A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."

   [United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

   "All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals."


Note that last quote: AGENCY is the ONLY method by which the enforcement powers of the government can be effected. A "res-ident" is an AGENT of Uncle. The agency, like all civil law, is only a product of YOUR CONSENT in making application to BECOME a "res-ident". It is a maxim of law that "consent makes the law". Note they said that CONTRACTS create agency, and by implication FRANCHISES, which are also contracts. Note also that you cannot "EXECUTE" a civil law (the SOCIAL COMPACT) as indicated above or become a target of its enforcement provisions WITHOUT being an AGENT of the government. This is also called "publici juris". That AGENCY is the ONLY proper subject of the income tax laws as well, and it is called a "trade or business". See:

U.S. citizens and the New World Order
http://famguardian1.org/Mirror/SEDM/Sharlene%20Holt-U.S._Citizens_and_the_New_World_Order.wmv

10. You will note that the term "citizen" was identified earlier in this discussion as "participating in the affairs of government". The only way they can do that is as an OFFICER of the government.

8. Citizen defined

   Citizenship implies membership in a political society, the relation of allegiance and protection, identification with the state, and a participation in its functions [public office/agent] and while a temporary absence may suspend the relation between a state and its citizen, his identification with the state remains where he intends to return. Pannell v. Roanoke Times Co., W.D.Va.1918, 252 F. 910. Aliens, Immigration, And Citizenship 678


11. The above assertions are recognized by the CIVIL status of federal jurors, who are identified as PUBLIC OFFICERS in 18 U.S.C. §201!

   TITLE 18 > PART I > CHAPTER 11 > § 201

   § 201. Bribery of public officials and witnesses

   (a) For the purpose of this section—

   (1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror.

12. The authority for reaching PRIVILEGED aliens is Federal Rule of Civil Procedure 17, because they are OFFICERS of the government representing the corporation and franchisees if they applied for a Green Card. If they didn't apply for a green card, the only authority for reaching them is Article 1, Section 8, Clause 4 and the only thing that can be done to them is enforce the CRIMINAL law, which doesn't require consent. They are civilly dead until they acquire a domicile or a status by exercising their right to contract.

13. The requirement that the franchisee is a public office is documented in:

Proof that There Is a “Straw man”
14. This also explains why CITIZENSHIP is a PRIVILEGE and not a RIGHT. That is why the Fourteenth Amendment refers to the "privileges and immunities of citizens of the United States". Note also that it is a privilege to BECOME a constitutional citizen but NOT a privilege AFTER it is acquired.
14.1. AFTER you are naturalized, they can't take it away without your consent.
14.2. If it were a privilege AFTER you acquired it, they could take it away without your consent. See Afroyim v. Rusk, 387 U.S. 253 (1967) and 8 U.S.C. §1481.
15. Title 8 is constitutional even though constitutional states are never mentioned in it and they are outside the "United States***" because:
15.1. It is a franchise which commutes NATIONALITY to otherwise privileged aliens.
15.2. The aliens have to APPLY for (and thereby CONSENT to) the office and be naturalized to ACQUIRE a the non-privileged status of CONSTITUTIONAL citizen.
15.3. PRESENCE on federal territory in the "United States***" is required to effect the naturalization, but:
15.3.1. The OFFICE is the thing PHYSICALLY present, not the HUMAN. That is why Article 4, Section 3, Clause 2 of the Constitution mentions "Territory AND OTHER property". They are BOTH capable of having a physical location WITHIN the jurisdiction of the government's exclusive jurisdiction.
15.3.2. The LOCATION of presence is federal territory WITHIN the legislative jurisdiction of Uncle.
15.3.3. The PRESENCE is PHYSICAL even though the THING present (the "res") is NOT PHYSICAL, but VIRTUAL. The OFFICE is a "res" in the context of franchises. It is JUST LIKE the status and OFFICE of "SPOUSE" in the state Family Code, which is domiciled in the STATE it was created in through the marriage contract WITH THE STATE. The parties to that contract are AGENTS of the state, and they ALSO married the STATE and therefore are POLYGAMISTS. The state screws every party to that polygamy contract EXCEPT itself.

"If marriage is a civil contract, whereby the domicile of the husband is the domicile of the wife, and whereby the contract between them was to be located in that domicile, it is difficult to see how the absence in another state of either party to such contract from the state where was located the domicile of the marriage could be said to carry such contract to another state, even if we were to concede that an idea, a mental apprehension, or metaphysical existence could be transmuted so as to become capable of attaching to it some process of a court, whereby it might be said to be under the exclusive jurisdiction of such court. If Mrs. McCreery could carry that res in the state of Illinois, then Mr. McCreery had the same res in the state of South Carolina at the same time. In other words, the same thing could be in two distinct places at one and the same time, which res the courts of Illinois would have the power to control as if it were a physical entity, and which res the courts of South Carolina would have the power, at the same moment of time, to control as if it were a physical entity. Such a conclusion would be absurd. [. . .] The jurisdiction which every state possesses, to determine the civil status and capacity of all of its inhabitants, involves authority to prescribe the conditions on which proceedings which affect them may be commenced and carried on within its territory [FEDERAL territory]. The state, for example, has absolute right to prescribe the conditions upon which the marriage relation [STATUS] between its own citizens shall be created, and the causes for which it may be dissolved.

[. . .]

Charles W. McCreery, and Rhoda, his wife, whether it be said their contract should be governed by the laws of the state of New York, where the marriage was solemnized, or whether of the state of South Carolina, which was the husband's domicile, and where he is still domiciled, and where the marriage was to be performed, never agreed that their rights, duties, and liabilities as husband or wife should be determined by the state of Illinois, or that the determination of these rights, duties, and liabilities might be had in an action for divorce for saevitia, where service upon either of them might be made by publication; and when, therefore, a judgment of this last-named state was rendered in an action to which Charles W. McCreery was no real party, such judgment was a nullity as to him.


16. The Tax code works EXACTLY the same way:
16.1. "U.S. sources" means payments from the government. The PAYOR is an agent of the government as a withholding agent, and therefore "LEGALLY WITHIN the United States***".
16.2. "INTERNAL," in the phrase "Internal Revenue Code" means internal to the GOVERNMENT as a corporation and legal "person".
16.3. A "return" is a RETURN of government property managed by an AGENT and OFFICE of the government called "taxpayer".
16.4. The OFFICER is a contractor for the "taxpayer" OFFICE and consents to act as said office by making application for a TIN or SSN AND consensually using it in connection with otherwise PRIVATE property.

16.5. The only "taxpayers" are "persons", all of whom are defined in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 as officers or "employees" of a corporation or partnership. The PARTNERSHIP is the contract or AGREEMENT between the OFFICER and the OFFICE.

17. The Bible FORBIDS serving other gods, and by implication GOVERNMENTS who have more powers than a human being (meaning SUPER NATURAL powers). If you honor that commandment, the FIRST and most important commandment, none of the VIRTUAL stuff can or will EVER apply to you. Most people don't honor it because they apply for and accept "benefits" that can only lawfully be paid to PUBLIC officers and not PRIVATE people. Any other method for paying "benefits" abuses the taxing powers of government to redistribute wealth.

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

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

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

18. Authority over aliens is subject matter jurisdiction, and does not require territorial jurisdiction. It is identified in Article 1, Section 8, Clause 4 and exists throughout the country, regardless of the territorial jurisdiction. The same thing applies to every other subject matter in Article 1, Section 8 such as patents, post offices, coining money, etc. Notice “throughout the United States” below, which is the geographical and CONSTITUTIONAL united states.

U.S. Constitution
Article 1, Section 8, Clause 4

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States; - See more at: http://constitution....h.JdeYHwem.dpdf

19. The above may SOUND crazy to legal neophytes, but is the ONLY rational way we know of to EXPLAIN why and how the naturalization process is and even can be lawful or constitutional if the ONLY authority for instituting it IS statutes that operate extra-territorially outside the territory they are authorized to operate.

20. You have completely missed the boat if you don't integrate the above factors into your analysis. Yes this adds additional complexity to an already complex situation, but law itself is complex, which is why it is so interesting and challenging. It is these considerations that lead us to write the following to integrate EVERYTHING on this site to be consistent both with itself, the constitution, the statutes, and the BEHAVIOR of the present government:

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

21. You have done a masterful and wonderful job so far addressing citizenship, but what is MISSING, franchises, is so huge and obvious that your arguments would be called r-rivolus in court unless you covered this last dimension, which we call the "virtual dimension". Everything about franchises is virtual.

21.1. Offices are not physical.
21.2. PRIVILEGES are not physical.
21.3. CONSENT is an abstraction manifested by a physical signature.
21.4. GOVERNMENT is not physical, but an abstraction.
21.5. Corporations are not physical, which all governments are. Corporations, HOWEVER, are presumed to have the SAME domicile as the GOVERNMENT that incorporated them and are CHILDREN of their GOVERNMENT PARENT and CREATOR.

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

Proof that There Is a “Straw man”
Corporations ALSO are an "ident" offered by the government's "rent-an-ident" service called franchises.

In this sense, much of law is like electronics. You can't see the electrons or any of the moving parts and it's all based essentially on math and relationships that the math represents. VERY few people understand this level of abstraction, which is why there is so much needless contention in the freedom community.

May the force be with you, Luke, in your training to be a Jedi Knight.

### 14 How most people are fraudulently deceived into thinking they are the Straw Man

"[Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy."

[Senator Sam Ervin]

"The wicked man does deceptive work,
But to him who sows righteousness will be a sure reward.
As righteousness leads to life,
So he who pursues evil pursues his own death.
Those who are of a perverse heart are an abomination to the Lord,
But such as are blameless in their ways are a delight.
Though they join forces, the wicked will not go unpunished;
But the posterity of the righteous will be delivered."

[Prov. 11:18-21, Bible, NKJV]

"Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful."

[Samuel Johnson Rasselas, 1759]

"Beware lest anyone cheat you through philosophy and empty deceit, according to the tradition of men, according to the basic principles of the world, and not according to Christ."

[Colossians 2:8, Bible, NKJV]

Deceptive “word of art” definitions within the Internal Revenue Code are the main vehicle for deceiving most people that they are the “public officer”, “person”, “individual”, or straw man that is the subject of government statutes.

“WORDS OF ART. The vocabulary or terminology of a particular art or science, and especially those expressions which are idiomatic or peculiar to it. See Cargill v. Thompson, 57 Minn. 534, 59 N.W. 638.”


The following “terms” form the heart of the deception:

1. “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10). The District of Columbia. Nowhere within Internal Revenue Code, Subtitle A, the income tax, is there found a definition of the term “United States” that expressly includes any state of the Union.
2. “State” as defined in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d). A territory or possession of the United States and NOT a state of the Union. All states of the Union are “foreign” with respect to federal legislative jurisdiction.
5. “employer” as defined in 26 U.S.C. §3401(d). A “person” who has “employees”.
7. “individual” as defined in 5 U.S.C. §552a(a)(2) and 26 C.F.R. §1.1441-1(c)(3) . Means a person domiciled or resident on federal territory and not within the exclusive or general jurisdiction of any state of the Union.

Most people do not read the law, which means that they aren’t aware of the above definitions. Those who take the time to read the law are usually met by the following downright fraudulent tactics by the government:

1. They are told that the definition employs the word “includes” and that this word authorizes them to add ANYTHING they want to the definition, including things that do not expressly appear in the law itself. This is HOGWASH!

   “When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning,” Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393. n. 10 (“As a rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary.
   [Steinberg v. Carhart, 530 U.S. 914 (2000)]

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

2. If they are in court and cite the statutory definition, the opposing government attorney will say:

   “Objection: Calls for a legal conclusion.”

   This too is hogwash, because in the context of a tax trial, the Declaratory Judgments Act, 28 U.S.C. §2201(a) forbids the judge or the government in general from making such a declaration of fact.

3. They will rely upon an expert or government employee. The ONLY thing upon which one can rely is the law in a society of law and not men.

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

3.1. All that federal prosecutors and judges prove by parading “men” in front of the jury instead of reading the law itself is that they want to destroy the very foundation of our rights and liberty in this country, which is the rule of law, and replace it with an imperial judicial monarchy of men. The result is that they turn our country into what God calls “an abomination”.

   “One who turns his ear from hearing the law [God's law or man's law], even his prayer is an abomination.”
   [Prov. 28:9, Bible, NKJV]

   “But this crowd that does not know [and quote and follow and use] the law is accursed.”
   [John 7:49, Bible, NKJV]

   “Salvation is far from the wicked. For they do not seek Your [God's] statutes.”
   [Psalm 119:155, Bible, NKJV]

3.2. No amount of grandstanding and salesmanship by an “expert” can add ANYTHING to the definitions clearly appearing in the statutes. The courts cannot WRITE law, which means that they can’t ADD to what appears in the law in order to enlarge their jurisdiction. It is a violation of the separation of powers for a court to write or rewrite law. The making of law is a political question and courts may not lawfully entertain political questions. Bringing experts in to write or rewrite or extend the law simply turns the court into a perpetual constitutional
convention or legislative body that subjectively decides what THEY and not the Sovereign People want. Below is what the U.S. Supreme Court ruled on this important question:

But, fortunately for our freedom from political excitements in judicial duties, this court can never with propriety be called on officially to be the umpire in questions merely political. The adjustment of these questions belongs to the people and their political representatives, either in the State or general government. These questions relate to matters not to be settled on strict legal principles. They are adjusted rather by inclination, or prejudice or compromise, often. Some of them succeed or are defeated even by public policy alone, or mere naked power, rather than intrinsic right. There being so different tastes as well as opinions in politics, and especially in forming constitutions, some people prefer foreign models, some domestic, and some neither, while judges, on the contrary, for their guides, have fixed constitutions and laws, given to them by others and not provided by themselves. And those others are no more Locke than an Abbe Sieyes, but the people. Judges, for constitutions, must go to the people of their own country, and must [48 U.S. 52] merely enforce such as the people themselves, whose judicial servants they are, have been pleased to put into operation.

Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitration of judges would be that, in such an event, all political privileges and rights would, in a dispute among the people, depend on our decision finally. We would possess the power to decide against, as well as for, them, and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much perverted, if not entirely prostrated. But, allowing the people to make constitutions and unmake them, allowing their representatives to make laws and unmake them, and without our interference as to their principles or policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as empowered by the State or the Union, commence their functions and may decide on the rights which conflicting parties can legally set up under them, rather than about their formation itself. Our power begins after their ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed rights beneath them, rather than disputed points in making them. We speak what is the law, jus dicere, we speak or do not the constitution, after both are made, but we make, or re-arrange, or control neither.

The disputed rights beneath constitutions already made are to be governed by precedents, by sound legal principles, by positive legislation, clear contracts, moral duties, and fixed rules; they are per S.E. questions of law, and are well suited to the education and habits of the bench. But the other disputed points in making constitutions, depending often, as before shown, on policy, inclination, popular resolves and popular will and arising not in respect to private rights, not what is meum and tuum, but in relation to politics, they belong to politics, and they are settled by political tribunals, and are too dear to a people bred in the school of Sydney and Russel for them ever to intrust their final decision, when disputed, to a class of men who are so far removed from them as the judiciary, a class also who might decide them erroneously, as well as right, and if in the former way, the consequences might not be able to be averted except by a revolution, while a wrong decision by a political forum can often be peacefully corrected by new elections or instructions in a single month; and if the people, in the distribution of powers under the constitution, should ever think of making judges supreme arbiters in political controversies when not selected by nor, frequently, amenable to them nor at liberty to follow such various considerations in their judgments as [48 U.S. 53] belong to mere political questions, they will dethrone themselves and lose one of their own invaluable birthrights; building up in this way -- a sovereign power in the republic, in most respects irresponsible and unchangeable for life, and one more dangerous, in theory at least, than the worst elective oligarchy in the worst of times. Again, instead of controlling the people in political affairs, the judiciary in our system was designed rather to control individuals, on the one hand, when encroaching, or to defend them, on the other, under the Constitution and the laws, when they are encroached upon. And if the judiciary at times seems to fill the important station of a check in the government, it is rather a check on the legislature, who may attempt to pass laws contrary to the Constitution, or on the executive, who may violate both the laws and Constitution, than on the people themselves in their primary capacity as makers and amenders of constitutions.

[Luther v. Borden, 45 U.S. 1 (1849)]

4. They will cite an IRS publication, which the IRS itself says is untrustworthy.

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."

[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

Below are some of the most prevalent mistakes that people make who allow themselves to be deceived into “volunteering” (e.g. “voluntary compliance”) to represent the straw man as a public officer or government employee without compensation using words of art:

1. They will PRESUME that the terms used on government forms have their ordinary meaning instead of the meaning defined in the law itself.

2. They will PRESUME that the word “United States” as used in federal statutes includes any part of the exclusive jurisdiction of a state.
3. They will not even realize that they are making presumptions and not question or investigate what they read on
government forms or in government publications.
4. They do not realize that all presumptions which impair constitutionally protected rights are a tort and are impermissible
in any court of law.

(1) [8:4993] Conclusive presumptions affecting protected interests:
A conclusive presumption may be defeated where its application would impair a party's constitutionally-
protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a
party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 44, 93 S.Ct 2230,
2235; Cleveland Bed. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 325-presumption under
Illinois law that unmarried fathers are unfit violates process]
[Federal Civil Trials and Evidence, Rutter Group, 2006, paragraph 8:4993, p. 8K-34]

5. They will look at the word “individual” and PRESUME that it means them. All terms within federal law, according to
the courts themselves, are to be construed as limited to the place where the government has general legislative powers.
The federal government DOES NOT have general jurisdiction within states of the Union because of the separation of
powers doctrine:

"The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be
confined in its operation and effect to the territorial limits over which the lawmaker has general and
legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State
as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of
course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able
to catch [E.G. DECEIVE]. In the case of the present statute, the improbability of the United States attempting
to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts
for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica
is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature
are urged, but need not be discussed."
[American banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358]

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

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

All of the above PRESUMPTIONS are what lead to most of the evil, deceit, and slavery. The root of ALL of them is the
love of YOUR money and stuff by politicians, who would sell their soul for the almighty dollar and the power that
possessing it gives them over you:

"For the love of money is a root of all kinds of evil, for which some have strayed from the faith in their
greediness, and pierced themselves through with many sorrows."
[1 Tim. 6:10, Bible, NKJV]

We have written an exhaustive legal memorandum which describes why presumption violates God’s law, violates due
process of law, and may not lawfully be employed against anyone protected by the United States Constitution.

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

If you would like to know more about how the craft of lawyers, which is words, is systematically abused to deliberately
deceive, enslave, and injure people, and how to defend yourself against such dishonest tactics see:
1. *Meaning of the Words “includes” and “including”*. Form #05.014-proves that the purpose of law is to delegate authority, and that it cannot serve that essential function if the definition of words is left to the subjective discretion of a judge who is a “taxpayer”.

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

2. *Reasonable Belief About Income Tax Liability*. Form #05.007-proves that everything a government prosecutor can or would rely on to rebut the definitions clearly shown in the Internal Revenue Code is UNTRUSTWORTHY according the courts themselves.

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

3. *Great IRS Hoax*, Form #11.302, Sections 3.9.1 through 3.9.28

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

15 ALL CAPS NAME fallacies

Many people in the freedom community claim that the “straw man” is represented by the all caps name that the government uses when they mail you notices and correspondence. An example of such rhetoric may be found on the web below:

Memorandum of Law on the Name, Family Guardian Fellowship

http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm

We believe that those who take this position are simply mistaken and that they don’t understand that:

1. The straw man is a public officer in the government.
2. The method of connecting one’s private property to the “straw man” is by using the license number assigned to the office, which is the Taxpayer Identification Number.

The measure of whether the all caps name means anything is whether the courts treat it as a criteria in a dispute. No one has ever shown us any proof that use of an all caps name in association with a natural being was a legitimate basis to determine whether the accused was engaged in a federal franchise or was engaged in the “trade or business” franchise. Until we see evidence that courts or government prosecutors actually make the all caps name into a criteria for convicting someone, using this argument is going to do nothing but make those who use it look STUPID in front of both a judge and a jury.

The REAL issue of any civil dispute involving the government is not what “name” an alleged obligation attaches to, but RATHER:

1. Was the obligation ever expressly consented to? Consent is the source of ALL civil jurisdiction. In other words, HOW did you “waive sovereign immunity” and agree to be SUBJECT to the statute in question?
2. In what precise form did the consent take? The government as moving party enforcing the obligation MUST produce legal evidence of the consent and cannot PRESUME that it exists.
3. Did you have the CAPACITY to consent to the obligation? For instance, how can you consent to a government franchise as a private human? Franchises cannot lawfully CREATE any new public offices, but instead add benefits to EXISTING public offices. It is a crime to unilaterally ELECT yourself into public office by filling out a government form. A lawful election or appointment is the ONLY lawful way to CREATE a new public office.
4. Does the government even have the RIGHT to offer the “benefit” in the geographic place where you are physically situated? That would require EXCLUSIVE JURISDICTION.

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

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

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

5. Do you have a civil domicile on territory within the EXCLUSIVE jurisdiction of the government grantor of the franchise or civil statute? If not, the case must be dismissed.

A better way to attack the straw man is simply to claim that any identifying number associated with you by the government:

1. Is not “yours”. 20 C.F.R. §422.103(d) says it belongs to the government and not any private person. It is illegal and constitutes theft and embezzlement to use public property for a private use and you therefore can’t associate such public property with your private property without donating your private property to a public use to procure the benefits of a government franchise. The only one who can perform that donation is you WITH your informed consent.

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

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

2. If it is a Taxpayer Identification Number, cannot be yours because you are a nonresident alien and not an alien. IRS can only issue Taxpayer Identification Numbers to “U.S. persons” with a domicile on federal territory, and so if they use a Social Security Number in place of a Taxpayer Identification Number, indirectly they are assuming usually falsely that you maintain a domicile on federal territory and you should vigorously rebut that presumption. See:

2.1. About SSNs and TINs on Government Forms and Correspondence, Form #05.012

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

2.2. Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”? Form #05.013

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

3. May only be used in connection those engaging in the “trade or business” or “public office” franchise. This is confirmed by IRS Form 1042-S Instructions.

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

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

- Any recipient whose income is effectively connected with the conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)] in the United States.

Note. For these recipients, exemption code 01 should be entered in box 6.

[...] If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.

[IRS Form 1042s Instructions, Year 2006, p. 14]

38. If you would like to know more about why the all caps name is not a legitimate defense in court, see section 7.1 of the following:

Flawed Tax Arguments to Avoid, Form #08.004

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

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org

Form 05.042, Rev. 8-6-2013

EXHIBIT: _______
16 Attacking illegal franchise enforcement in a court of law

Government franchises may only be offered to those physically present within and domiciled within federal territory not protected by the USA Constitution. Offering them any place else constitutes PRIVATE business activity not protected by the Constitution or by sovereign immunity. The U.S. Supreme Court affirmed this concept when it held the following:

"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 coating licenses, licenses to pilots, licenses to trade with the Indians, and any other licenses necessary or proper for the exercise of that great and extensive power; and the same observation is applicable to every other power of Congress, to the exercise of which the granting of licenses may be incident. All such licenses confer authority, and give rights to the licensee.

But very different considerations apply to the internal commerce or domestic trade of the States. Over this commerce and trade Congress has no power of regulation nor any direct control. This power belongs exclusively to the States. No interference by Congress with the business of citizens transacted within a State is warranted by the Constitution, except such as is strictly incidental to the exercise of powers clearly granted to the legislature. The power to authorize a business within a State is plainly repugnant to the exclusive power of the State over the same subject. It is true that the power of Congress to tax is a very extensive power. It is given in the Constitution, with only one exception and only two qualifications. Congress cannot tax exports, and it must impose direct taxes by the rule of apportionment, and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject, and may be exercised at discretion. But, it reaches only existing subjects. Congress cannot authorize e.g. LICENSE, using a Social Security Number (SSN) or Taxpayer Identification Number (TIN) a trade or business [per 26 U.S.C. §7701(a)(26)] within a State in order to tax it."

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

If you were domiciled OUTSIDE of federal territory at the time you were offered a government franchise, then those who offered it to you are not acting as a government but a private corporation PRETENDING to be a government. We explain it this way in our Member Agreement, Form #01.001:

It's unconstitutional to convert Constitutional rights into "privileges" anyway, and the only place such a conversion can lawfully occur is on federal territory not protected by the Constitution and where rights don't exist. Otherwise, the Declaration of Independence says my Constitutional rights are "inalienable", which means they are incapable of being sold, exchanged, transferred, or bargained away in relation to a REAL, de jure government by ANY means, including through any government franchise. A lawful de jure government cannot be established SOLELY to protect PRIVATE rights and at the same time:

1. Make a profitable business or franchise out of DESTROYING, taxing, regulating, and compromising rights and enticing people to surrender those same inalienable rights. See Government Instituted Slavery Using Licenses, http://sedm.org/Forms/FormIndex.htm
2. Refuse to protect or even recognize the existence of private rights. This includes:
   2.1. Prejudicially presuming that there are no private rights because everyone is the subject of statutory civil law. All statutory civil law regulates GOVERNMENT conduct, not private conduct. See Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037, http://sedm.org/Forms/FormIndex.htm
   2.2. Compelling people to engage in public franchises by forcing them to use Social Security Numbers. See Resignation of Compelled Social Security Trustee, Form #06.002, http://sedm.org/Forms/FormIndex.htm
   2.3. Presuming that all those interacting with the government are officers and employees of the government called “persons”, “U.S. citizens” or “U.S. residents”, “individuals”, “taxpayers” (under the income tax franchise), “motorists” (under the drivers license franchise), “spouses” (under the marriage license Franchise), etc. The First Amendment protects our right NOT to contract or associate with such statuses and to choose any status that we want and be PROTECTED in that choice from the adverse and injurious presumptions of others. See Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008, http://sedm.org/Forms/FormIndex.htm
2.4. Refusing the DUTY to prosecute employers who compel completing form W-4, which is the WRONG form for most Americans.
2.5. Refusing to prosecute those who submit false information returns against people NOT engaged in public offices within the government in the District of Columbia. See Correcting Erroneous Information Returns, Form #04.001, http://sedm.org/Forms/FormIndex.htm
3. Refuse to recognize anyone’s right and choice not to engage in franchises such as a “trade or business” or to quit any franchise they may have unknowingly signed up for.
   3.1. Refusing to provide or hiding forms that allow you to quit franchises and/or telling people they can’t quit. For instance, Social Security Administration hides the form for quitting Social Security and tells people they aren’t allowed to quit. This is SLAVERY in violation of the Thirteenth Amendment.
3.2. Offering “exempt” status on tax forms but refusing to provide or even recognize a “not subject” or “nontaxpayer” option. These two statuses are completely different and mutually exclusive. See Flawed Tax Arguments to Avoid, Form #08.004, Section 6.11, http://sedm.org/Forms/FormIndex.htm.

3.3. Refusing to file corrected information returns that zero out false reports of third parties, interfering with their filing, or not providing a form that the VICTIM, rather than the filer can use, to correct them. See Correcting Erroneous Information Returns, Form #04.001, http://sedm.org/Forms/FormIndex.htm.

3.4. Refusing to provide a definition of “trade or business” in their publication that would warn most Americans that they not only aren’t involved in it, but are committing a CRIME to get involved in it in violation of 18 U.S.C. 981.

4. Deprive people of a remedy for the protection of private rights by turning all courts into administrative franchise/property courts in the Executive Branch instead of the Judicial Branch, such as Traffic Court, Family Court, Tax Court, and all federal District and Circuit Courts. See: What Happened to Justice?, Form #06.012; http://sedm.org/Forms/FormIndex.htm. This forces people to fraudulently declare themselves a privileged franchisee such as a “taxpayer” before they can get a remedy. See Tax Court Rule 13(a), which says that only “taxpayers” can petition Tax Court.

REAL de jure Judges cannot serve two masters, Justice and Money/Mammon, without having a criminal conflict of interest and converting the Public Trust into a Sham Trust. Anyone who therefore claims the authority to use franchises to entice me to surrender or destroy the private rights which all just government were established ONLY to protect cannot lawfully or truthfully claim to be a “government” and is simply a de facto private corporation, a usurper, and a tyrant pretending to be a government. In fact, I believe it constitutes an “invasion” within the meaning of Article 4, Section 4 of the United States Constitution as well as an act of international terrorism for the federal government to either offer or enforce any national franchise within any constitutional state of the Union, or for any state of the Union to condone or allow such activity. See: De Facto Government Scam, Form #05.043; http://sedm.org/Forms/FormIndex.htm.

[SEDM Member Agreement, Form #01.001, Section 1.2]

In legal terms, it is a breach of fiduciary duty for a public officer such as a judge to offer or enforce government franchises within states of the Union. This can be seen by examining the legal definition of “public office” within the legal encyclopedia:

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

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

The details of how to attack illegal franchise enforcement are beyond the scope of this document. If you would like to investigate this matter further, see:


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


Proof that There Is a “Straw man” 239 of 279

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
17 Lawfully Avoiding the Duties of the Straw Man

17.1 In General

The key to avoiding the duties and liabilities of the straw man is found in the Bible, which reads on the subject:

"Now we know that whatever the law says, it says to those who are under the law, that every mouth may be stopped, and all the world may become guilty before God. Therefore by the deeds of the law no flesh will be justified in His sight, for by the law is the knowledge of sin."

[Romans 3:19-20, Bible, NKJV]

"Therefore, my brethren, you also have become dead to the law through the body of Christ, that you may be married to another—to Him who was raised from the dead, that we should bear fruit to God."

[Romans 7:4, Bible, NKJV]

Someone who is “under the [civil] law” in our country is someone who voluntarily consents to be subject to it by choosing a domicile within the place protected by that law and thereby becoming a “citizen”, “resident”, or “inhabitant”. This is the whole notion behind the Declaration of independence: Consent of the governed, or should we say consent TO BE governed:

“The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.”

[United States v. Cruikshank, 92 U.S. 542 (1875)]

You cannot complain about the civil laws of a place based on the above, because you wouldn’t be called a “citizen” in that place unless you have voluntarily chosen a domicile there and thereby:

1. Consented to be “governed”, as the Declaration of Independence indicates. In legal terms, this choice is called “animus manendi”;
2. Delegated authority to the government of that place to protect you and accepted the obligation to pay for the protection in the form of “tribute” or “taxes”.

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

[Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

3. Became a “subject” under the civil law.

“Citizens are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government [by giving up their rights and thereby becoming “subjects”] for the promotion of their general welfare and the protection of their individual as well as collective rights.”


A man or woman who is “dead to the law” as Romans 7:4 indicates is someone who:

1. Cannot and does not describe themself with any word or “term” or status found within the statutes of the heathen rulers or their tax collectors. Such words include, but are not limited to:

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT:_______
1.1. “citizen”
1.2. “resident”
1.3. “individual”
1.4. “inhabitant”
1.5. “taxpayer”
1.6. “employee”
1.7. “employer”
1.8. “nonresident alien individual”
1.9. “alien individual”

2. Uses ONLY the following words to describe themself:
2.1. “nonresident”
2.2. “transient foreigner”
2.3. “stateless person”
2.4. “in transitu”
2.5. “transient”
2.6. “sojourner”

The following words originate from the fact that a person retains their domicile of origin, which is Heaven for believers, as long as they are “in transitu” or travelling:

Treatise on the Law of Domicil: M.W.Jacobs, 1887
§ 114. Id. Domicil of Origin adheres until another Domicil is acquired. –

Bat whether the doctrine of Udy v. Udy be or be not accepted, the law, as held in Great Britain and America, is beyond all doubt clear that domicil of origin clings and adheres to the subject of it until another domicil is acquired. This is a logical deduction from the postulate that “every person must have a domicil somewhere.” For as a new domicil cannot be acquired except by actual residence cum animo manendi, it follows that the domicil of origin [Heaven] adheres while the subject of it is in transitu, or, if he has not yet determined upon a new place of abode, while he is in search of one, – “quarrens quo S.E. conferat atque ubi constituit.”

Although this is a departure from the Roman law doctrine, yet it is held with entire unanimity by the British and American cases. It was first announced, though somewhat confusedly, by Lord Alvanley in Somerville v. Somerville: “The third rule I shall extract is that the original domicil . . . or the domicil of origin is to prevail until the party has not only acquired another, but has manifested and carried into execution an intention of abandoning his former domicil and taking another as his sole domicil.” The same idea has been expressed by Lord Wensleydale in somewhat different phrase in Aikman v. Aikman: “Every man’s domicil of origin must be presumed to continue until he has acquired another sole domicil by actual residence with the intention of abandoning his domicil of origin. This change must be animo et facto, and the burden of proof unquestionably lies upon him who asserts the change.” Lord Cranworth observed in the same case: “It is a clear principle of law that the domicil of origin continues until another is acquired; i.e., until the person has made a new home for himself in lieu of the home of his birth.” In America similar language has been used.

SOURCE: http://books.google.com/books?id=MFQvAAAAIAAJ&printsec=titlepage

3. Has no civil domicile or residence within the jurisdiction of the government that wrote the specific civil statute or civil law.

4. Any government form they fill out must put “None” or “Kingdom of Heaven” or their own man-made government for every block that says:
4.1. “Residence”. Remember, the ONLY parties who can have a “residence” under the I.R.C. are aliens and you are NOT an “alien” if you were born in our country! All “taxpayers” are “aliens” within the I.R.C. The ONLY definition of “residence” is found at 26 C.F.R. §1.871-2(b) is the only definition for “residence” and it does not include “nonresident aliens”, CONSTITUTIONAL “citizens of the United States”, or STATUTORY “U.S. citizens”. If you put down a “residence” on a tax form, indirectly, you are admitting you are an alien and committing perjury under penalty of perjury. Anyone who wants to argue with you should be challenged to produce a statute or regulation that includes CONSTITUTIONAL citizens, “nonresident aliens”, or “non-resident non-persons” because the rules of statutory construction forbid adding anything to a definition:

“Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one thing is the exclusion of another. Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d. 321, 325; Newblock v. Bowles, 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. When certain persons or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.” [Black’s Law Dictionary, Sixth Edition, p. 581]
"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."

[Stenberg v. Carhart, 530 U.S. 914 (2000)]

4.2. “Permanent address”

4.3. “Domicile”

For reasons, see:

**Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002**

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

5. Does not accept the “benefits” of any government franchise or insurance program:

5.1. Does not participate in Social Security, Medicare, or Unemployment and terminates participation if they signed up at any point.

5.2. Insists that the government is not authorized to provide any “benefits” whenever they are offered.

5.3. Insists that the government meet the burden of proving that it is providing REAL consideration whenever they want to impose the duties of the franchise agreement. That consideration MUST not result in any surrender of any constitutional right and must be legally enforceable in a real, constitutional court and not an Article IV administrative franchise court. Most government programs, in fact, do not provide a legally enforceable right to ANYTHING in a real, constitutional court. The following document is extremely useful in posing such a challenge and provides very powerful evidence that will put any jury on your side on this subject:

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

[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

6. Claims constitutional rights under the common law rather than “civil rights” under statutory civil law:

6.1. “Civil rights” are statutory rights that attach to your choice of domicile, which is a protection franchise. They are also called “public rights” by the courts.

6.2. Constitutional rights attach to the land whereas civil rights attach to your choice of domicile and the private law contracts that implement the franchise.

“It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status [e.g. contracts and franchises consented to] of the people who live in it.”

[Balzac v. Porto Rico, 238 U.S. 298 (1920)]

6.3. Acceptance of a statutory “public right” actually results in the opposite of what most people expect: A surrender of private rights in exchange for public rights or franchises, a surrender of sovereign immunity, and a complete surrender of any remedy in a REAL Constitutional court of law:

**These general rules are well settled: (1) That the United States, when it creates rights [CIVIL RIGHTS!] in individuals against itself [a “public right”, which is a euphemism for a “franchise” to help the court disguise the nature of the transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Donlap v. Black, 128 U.S. 40. 9 Sup.Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700; Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup.Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Arneson v. Murphy, 109 U.S. 238, 3 Sup.Ct. 184, 27 L.Ed. 920; Barnet v. National Bank, 98 U.S. 355, 358, 25 L.Ed. 212; Farmers & Mechanics’ National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173 U.S. 492, 198, 19 Sup.Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup.Ct. 556, 53 L.Ed. 936; McLean v. United States, 226 U.S. 374, 33 Sup.Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup.Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided:

6.4. You can’t be party to any franchise, “public right”, or “civil right” if you want to be “dead to the law”, free, and sovereign!

7. Claims allegiance to no one but God and his neighbor, which are the two great commandments. See Matt. 22:36-40.

8. Does not claim allegiance to any ruler or government or sign any perjury statement.

9. Identifies themselves as a “sui juris” rather than a “pro se” or “pro per” in a litigation setting:

   “Sui juris. Of his own right; possessing full social and civil rights; not under any legal disability, or the power of another, or guardianship. Having capacity to manage one’s own affairs; not under legal disability to act for one’s self.”  

   “Pro se. For one’s own behalf [behalf of the STRAW MAN!]; in person. Appearing for oneself, as in the case of one who does not retain a lawyer and appears for himself in court.”  

10. Does not use identifying numbers. SSNs and TINs create a presumption that the applicant is domiciled or resident on federal territory. See:

   About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
   http://sedm.org/Forms/FormIndex.htm

11. Does not fill out or submit any government forms. Do so only when compelled to do so and

   11.1. Indicate duress on the form.

   11.2. Define every “word of art” on the form to disassociate them with any government jurisdiction and prevent themselves from becoming a victim of the presumptions of others. Presumption is a Biblical sin in violation of Numbers 15:30 (NKJV). For an example, see:

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

   11.3. Attach the following:

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

17.2 Resignation of Compelled Social Security Trustee, Form #06.002

The following form provides government approved procedures and tools for lawfully terminating Social Security participation and thereby restoring your status as a private person.

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

After you terminated unlawful participation in Social Security, there may be occasions where you need to prove to people that you don’t qualify to participate. This will prevent them from demanding or insisting that you use a Social Security Number. We have prepared a form for this use available below:

   Why You Aren’t Eligible for Social Security, Form #06.001  
   http://sedm.org/Forms/FormIndex.htm

17.3 Legal Notice of Change in Domicile/Citizenship Records and Divorce From the United States, Form #10.001

The spider web and “matrix” of franchises designed to recruit you into servitude to the government have two key Achilles heels:

   1. They are all franchises, and all franchises are contracts between the grantor and the grantee.
As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit, 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. 99

[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

Why must they be contracts? Because a property interest cannot be conveyed without written consent in some form. Franchise courts such as Tax Court can only hear cases where the government has a property interest that is provable using evidence.

2. To be a contract, they must impose a mutual contractual obligation upon both parties that is legally enforceable under the terms of the franchise agreement.

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


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

A deliberate [e.g. voluntary] agreement between competent parties, upon a legal consideration, to do, or abstain from doing, some act. Wharton; Smith v. Thornhill, Tex.Com.App. 25 S.W.2d. 597, 599. It is agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. H. Liebes & Co. v. Klengenberg, C. C.A.Cal., 23 F.2d. 611, 612. A contract or agreement is either where a promise is made on one side and assented to on the other; or where two or more persons enter into engagement with each other by a promise on either side. 2 Steph. Comm. 54. The writing which contains the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation. 50


3. Each party must have the capacity, delegated authority, and standing to enter into the contract as a matter of law.

4. To be enforceable, the franchise must convey a mutual “benefit” or advantage to both the grantor and the grantee. BOTH parties to the transaction must not only perceive but actually receive a quantifiable “benefit” from participation. See:

The Government “Benefits” Scam, Form #05.040
http://sedm.org/Forms/FormIndex.htm

5. If duress was imposed upon either the grantor or grantee at the time the contract was signed or the application was submitted, the contract can be voided by proving the duress:

“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced. 100 Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced, 101 and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to


100 Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

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

1. That you lawfully terminated participation in the franchise.
2. That there was no consideration or “benefit” received by you as the grantee and not them as the grantor define the term “benefit”. You are the “customer” and it is a usurpation and criminal slavery to:
   2.1. Force you to accept something that is actually harmful to you and then to call it a “benefit”.
   2.2. Impose someone else’s definition, such as that of a judge, of what constitutes a “benefit”.
3. That one or BOTH parties to the contract had no lawful or delegated authority to enter into the agreement with you, the applicant.
4. That there was duress present in some aspect of the transaction.
5. That there was fraud imposed in some aspect of the transaction. Fraud vitiates and invalidates the most solemn of contracts.

The following form on our form on our website does all three of the above, and therefore destroys the ability of the government to enforce any provision of any franchise against you, thus rendering it illegal and impossible for you to act as a “straw man” or in any capacity within the government. It is a mandatory requirement of those who become members of our ministry:

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

The following provisions of the above form implement the above four methods of invaliding the enforcement of a government franchise:

1. Indicates that you lawfully terminated participation in all franchises.
   1.1. Section 4.3 perpetually abandons all employment, agency, or office in the government. Therefore, it is impossible to consensually or lawfully participate in the a “trade or business” or public office in the government.
   1.2. Section 8.5, item 7.4 indicates that you resigned from Social Security and that any numbers associated with you are not those defined at 20 C.F.R. §422.103(d).
2. Removes the possibility that you could receive consideration or “benefit” in connection with any franchise.
   2.1. Section 4.4 indicates that the government MAY NOT provide and that you do not consent to receive any “benefit” or consideration in connection with any franchise and that if the government violates this positive command, such act shall be construed not as “consideration”, but rather a “gift” for which no compensation is due, slavery, and a compelled bribe.
   2.2. Section 8.6.1.2 defines “benefit” for the purposes of all franchises in such a way that it is impossible to construe anything the government provides as a “benefit” which therefore confers any reciprocal obligation whatsoever.
3. Demonstrates that neither you nor the government have the legal capacity or delegated authority to enter into such an agreement without violating either the Constitution or their delegation of authority order.
   3.1. Section 4.2 reserves all rights.
   3.2. Section 4.1 establishes that the only contracts you can or will be held accountable for are those in a writing signed by you and which completely describe all rights surrendered and the precise consideration exchanged for those rights. This is the same requirement the government places upon rights enforced against them: All contracts must be in writing and when you want to sue them, you must prove their consent in writing by producing a waiver of sovereign immunity derived from an act of Congress.
   3.3. Section 5 and Enclosure (7) completely describe your citizenship status so as to place your domicile outside the civil jurisdiction of the government.
   3.4. Section 8.6 defines all “words of art” in such a way that it is impossible to construe jurisdiction over you and thereby establishes that you can’t lawfully participate.

---

102 Faske v. Gershman, 30 Misc. 2d. 442, 215 N.Y.S. 2d. 144; Heider v. Unicume, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)
103 Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.
3.5. Section 8.4 demonstrates that the grantor, the U.S. government, has no jurisdiction to enforce the franchise within any state of the Union.

4. Proves that duress and fraud were present which invalidates the enforceability of the franchise agreement.
   4.1. Section 8.3 establishes that all “taxes” paid were paid under duress and protest and therefore are refundable.
   4.2. Section 8.9 establishes that you do not consent to the jurisdiction of any court that might administer the franchise.

17.4 **Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001**

When or if you are demanded to complete a government tax form, you must fill out the form so as to not implicate you as a “taxpayer”. Not surprisingly, all tax forms we have seen presume the person submitting them is a “taxpayer” and they usually offer no options to indicate that you are either a “nontaxpayer” or a person not “exempt”, but rather “not subject” to the provision cited. The signature block usually pegs the submitter as a “taxpayer”, which forces you to either modify the form or submit your own substitute. For details on this scam, see section 5.10 of the following:

*Flawed Tax Arguments to Avoid, Form #08.004*

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

In order to avoid becoming the target of false presumptions maliciously planted on government tax forms to trap you into becoming a “taxpayer” and therefore a “public officer” with presumptions, we highly recommend using the following as a substitute for all government tax withholding forms you are asked to fill out:

*Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001*

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

If you are ordered to use the company’s forms instead of your own substitute, we recommend attaching the above form to their form and writing above the signature on their form the following:

“Not valid without the attached, signed Affidavit of Citizenship, Domicile, and Tax Status.”

17.5 **Tax Form Attachment, Form #04.201**

Government tax forms are famous for abusing “words of art” that entrap you with presumptions. The words on these forms not only are not defined, but even if they were, the IRS says you couldn’t trust the definition anyway!

“IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position.”

[Internal Revenue Manual (I.R.M.), Section 4.10.7.2.8 (05-14-1999)]

The Bible forbids Christians to presume, and by implication condone or encourage others to presume that they know what a word means:

“‘But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the Lord, and he shall be cut off from among his people.’

[Numbers 15:30, Bible, NKJV]

Consequently, Christians have a duty to prevent presumptions that might injure them by defining the meaning of all terms used on government forms in such a way that they are not inadvertently compelled to act as a “public officer” for the government and thereby serve two masters, God and Government, as a “public officer” of both simultaneously:

“No one can serve two masters [god and government, or two employers, for instance]; for either he will hate the one and love the other, or else he will be loyal to the one and despise the other. You cannot serve God and mammon [government].”

[Luke 16:13, Bible, NKJV. Written by a tax collector]

The following form is a mandatory attachment to all standard, unmodified tax forms that Members of this ministry submit under compulsion in fulfillment of the above goals. Section 3 of the form defines all identifying numbers so that they cannot be used to connect you to any franchise. Section 4 of the form defines all “words of art” to place you outside of government jurisdiction. It also contains its own franchise agreement that nullifies the effect of the government’s
franchises. Thus, it acts as an anti-franchise franchise that you are entitled to enforce because of your right to equal protection of the law:

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

247

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT:_______
17.9 Liening the Straw Man so he can’t do you any harm

The following document shows you how to lien the straw man so that he can’t threaten or obligate the natural being:

U.C.C. Security Agreement, Form #14.002
http://sedm.org/Forms/FormIndex.htm

17.10 The Government “Benefits” Scam, Form #05.040

Those who refuse to accept government franchises and services and lawfully refuse to pay for these services are sometimes illegally prosecuted by zealous but criminal government attorneys for "willful failure to file" under 26 U.S.C. §7203 and "tax evasion" under 26 U.S.C. §7201. The government's offense in these cases is like a broken record:

"Mr./Ms. ________ accepts the 'benefits' of living in this country but refuses to pay his/her 'fair share'.
He/she is a LEECH and you ought to hang him!"

The following form is useful as a defense for those who want to lawfully avoid becoming surety for the straw man. It proves beyond a shadow of a doubt that all such rhetoric is not only FALSE, FRAUDULENT, and RIDICULOUS, but constitutes a criminal conspiracy against your constitutionally guaranteed rights. You have a constitutionally protected right to NOT contract with or do business with the government protected by Article 1, Section 10 of the Constitution. The government is just like any other corporation or business and the only service it provides is "protection". Those who are "customers" of this protection and social insurance service must voluntarily choose a domicile within the jurisdiction of the government and are then called statutory "U.S. citizens", "U.S. residents", or "U.S. persons". When the "protection service" provided by government is ineffective, wasteful, inefficient, and/or actually harmful to us or our family, we always have the right to "fire the bastards" and cease to be "customers". The Declaration of Independence, in fact, makes it our DUTY to pursue "better safeguards for our future security". Those who do this are called "nonresidents", "nonresident aliens", and "transient foreigners". Use this pamphlet as a powerful defense in court against such bogus charges.

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

18 Legal Remedies for Identity Theft

If you are, in fact, not a public officer in the government or franchisee and someone else has compelled you, often without your knowledge and definitely without your consent, to involuntarily accept the duties of the public officer straw man, the laws listed in this section may be helpful in achieving a legal remedy against the person or organization that is the source of the duress. These laws are categorized by the jurisdiction they apply to.

The table above lists what is called a “Dual office prohibition”. This means that you cannot simultaneously be a public officer in the federal government and a public officer in the state government at the same time. Anyone who participates in any federal franchise or office and also in state franchises or offices fits this description.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Legal Cite Type</th>
<th>Title</th>
<th>Legal Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Article III, Section 25; Article IV, Sect. 22; Art. V, Sect. 10; Article VI, Section 12</td>
</tr>
<tr>
<td>Alabama</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>C.O.A. § 13A-10-10</td>
</tr>
<tr>
<td>Alabama</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>C.O.A. Title 13A, Article 10</td>
</tr>
<tr>
<td>Alaska</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Sections 2.5, 3.6, 4.8</td>
</tr>
<tr>
<td>Alaska</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>A.S. § 11.46.160</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Legal Cite Type</td>
<td>Title</td>
<td>Legal Cite</td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------</td>
<td>--------------------------------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Alaska</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>A.S. § 11.56.830</td>
</tr>
<tr>
<td>Arizona</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 4, Part 2, Section 4; Const. Article 6, Section 28</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 3, Section 10; Const. Article 5, Section 7; Article 5, Section 10; Art. 80, Sect. 14</td>
</tr>
<tr>
<td>California</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 5, Section 2 (governor); Const. Article 5, Section 14; Article 7, Section 7</td>
</tr>
<tr>
<td>California</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>Penal Code § 484.1</td>
</tr>
<tr>
<td>Colorado</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article V, Section 8 (internal)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 1, Section 11 (internal)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>C.G.S.A. § 53a-129a to 53a-129c</td>
</tr>
<tr>
<td>Delaware</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 1, Section 19</td>
</tr>
<tr>
<td>Delaware</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>D.C. Title 11, Section 854</td>
</tr>
<tr>
<td>Delaware</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>D.C. Title 11, Section 907(3)</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. of D.C., Article IV, Sect. 4(B) (judges); Art. III, Sect. 4(D) (governor)</td>
</tr>
<tr>
<td>Florida</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article II, Section 5</td>
</tr>
<tr>
<td>Florida</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>F.S. Title XLVI, Section 817.02</td>
</tr>
<tr>
<td>Georgia</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article I, Section II, Para. III; Const. Article III, Section II, Para. IV(b)</td>
</tr>
<tr>
<td>Georgia</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>O.C.G.A. §16-10-23</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 8 (internal)</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>H.R.S. § 710-1016</td>
</tr>
<tr>
<td>Idaho</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article V, Section 7 (judges)</td>
</tr>
<tr>
<td>Idaho</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>I.S. § 18-3001</td>
</tr>
<tr>
<td>Illinois</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article IV, Section 2(e) (legislative)</td>
</tr>
<tr>
<td>Indiana</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 2, Section 9; Const. Article 4, Section 30 (legislative)</td>
</tr>
<tr>
<td>Indiana</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>I.C. § 25-30-1-18</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Legal Cite Type</td>
<td>Title</td>
<td>Legal Cite</td>
</tr>
<tr>
<td>--------------</td>
<td>----------------</td>
<td>------------------------------</td>
<td>---------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Iowa</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 22 (legislature); Const. Article IV, Section 14 (governor)</td>
</tr>
<tr>
<td>Iowa</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>I.C. Title XVI, Section 718.2</td>
</tr>
<tr>
<td>Kansas</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 3, Section 13 (judges)</td>
</tr>
<tr>
<td>Kansas</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>K.R.S. § 21-3825</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>K.R.S. § 434.570</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>K.R.S. § 514.60; K.R.S. § 532.034</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Statute</td>
<td>Dual Office Prohibition</td>
<td>K.R.S. § 61.080</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article II, Section 2 (internal); Const. Article IV, Section 2 (executive)</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>R.S. § 14:112</td>
</tr>
<tr>
<td>Maine</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 2 (internal)</td>
</tr>
<tr>
<td>Maine</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>17-A M.R.S. Section 457</td>
</tr>
<tr>
<td>Maryland</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Declaration of Rights, Article 33 (judges); Const. Const. Declaration of Rights, Article 35 (officers)</td>
</tr>
<tr>
<td>Maryland</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>Statutes §8-301</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Chapter VI, Article 2</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>G.L.M. Chapter 268, Section 33</td>
</tr>
<tr>
<td>Michigan</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article IV, Section 8</td>
</tr>
<tr>
<td>Michigan</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>Mich. Penal Code, Chapter XXXV, Section 750.217c</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article IV, Section 5</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>M.S. § 609.475</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>M.C. § 97-7-43</td>
</tr>
<tr>
<td>Missouri</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article VII, Section 9</td>
</tr>
<tr>
<td>Missouri</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>M.R.S. § 570.223</td>
</tr>
<tr>
<td>Missouri</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>M.R.S. § 570.223</td>
</tr>
<tr>
<td>Montana</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 1; Const. Article V, Section 9 (office); Article VII, Section 9 (judges)</td>
</tr>
<tr>
<td>Montana</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>M.C.A. § 45-7-209</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III-9</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Statute</td>
<td>Crime: Impersonating Public  Officer</td>
<td>N.R.S. § 28-636</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>N.R.S. § 28-639</td>
</tr>
<tr>
<td>Nevada</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 4, Section 9 (officers)</td>
</tr>
<tr>
<td>Jurisdiction</td>
<td>Legal Cite Type</td>
<td>Title</td>
<td>Legal Cite</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------</td>
<td>--------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Nevada</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>N.R.S. § 197.120</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Art. 94-95</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>N.H.R.S.§ 359-1/2</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 1; Const. Article IV, Section V, Sections 3-4; Const. Article V, Section I, Section 3</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>N.J.S.A. § 2C.28-8</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article IV, Section 3 (senators);Const. Article VI, Section 19 (judge)</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>N.M.S.A. § 30-16-21.1</td>
</tr>
<tr>
<td>New York</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 7 (legislature); Const. Article VI, Section 20(b)(1)</td>
</tr>
<tr>
<td>New York</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>General Business Law 380-S;Penal Law 190.78</td>
</tr>
<tr>
<td>New York</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>Penal Law § 190.23</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article VI, Section 9</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>N.C.G.S. § 14-277</td>
</tr>
<tr>
<td>Ohio</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 2, Section 04 (legislature); Const. Article 4, Section 06, Para. (B)</td>
</tr>
<tr>
<td>Ohio</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td></td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article II, Section 12;Const. Article V, Section 18 (legislature)</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>O.S. Title 21, Section 1533</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>O.S. Title 21, Section 1533.1</td>
</tr>
<tr>
<td>Oregon</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article II, Section 10</td>
</tr>
<tr>
<td>Oregon</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>O.R.S. § 162.365</td>
</tr>
<tr>
<td>Oregon</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>O.R.S. § 165.803</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article V, Section 17 (judges)</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article III, Section 6</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>G.L.R.I. § 11-14-1</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 1, Section 8(internal);Const. Article VI, Section 3 (officers)</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>S.C.C.O.L. § 16-13-290</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 3, Section 3</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>S.D.C.L. § 22-40-16</td>
</tr>
</tbody>
</table>

Proof that There Is a “Straw man”
<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Legal Cite Type</th>
<th>Title</th>
<th>Legal Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Dakota</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>S.D.C.L. § 22-40-8</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article II, Section 2 (internal); Const. Article II, Section 26 (officers)</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>T.C. § 39-16-301</td>
</tr>
<tr>
<td>Texas</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 2, Section 1 (internal); Const. Article 3, Section 18 (legislature); Const. Article 4, Section 6 (executive)</td>
</tr>
<tr>
<td>Texas</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>Penal Code, Section 37.11</td>
</tr>
<tr>
<td>Texas</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>T.S. § 32.51</td>
</tr>
<tr>
<td>Utah</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article V, Section 1 (internal); Const. Article VIII, Section 10 (judges)</td>
</tr>
<tr>
<td>Utah</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>U.C. § 76-8-512</td>
</tr>
<tr>
<td>Vermont</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Chapter II, Section 54</td>
</tr>
<tr>
<td>Vermont</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>13 V.S.A. § 3002</td>
</tr>
<tr>
<td>Virginia</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article IV, Section 4 (legislature); Const. Article V, Section 4 (governor)</td>
</tr>
<tr>
<td>Virginia</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>C.O.V. § 18.2-186.3</td>
</tr>
<tr>
<td>Washington</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article II, Section 14 (legislature); Const. Article IV, Section 15 (judges)</td>
</tr>
<tr>
<td>Washington</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>R.C.W. 18.71.190</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article 6, Section 16 (senators); Const. Article 7, Section 4 (executive); Const. Article 8, Section 7 (judges)</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>W.V.C. § 61-5-27a(e)</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Article IV, Section 13</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>W.S. § 943.201</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Constitution</td>
<td>Dual Office Prohibition</td>
<td>Const. Section 97-3-008 (legislature); Const. Section 97-5-027 (judges)</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Statute</td>
<td>Crime: Identity Theft</td>
<td>W.S. § 6-3-901</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Statute</td>
<td>Crime: Impersonating Public Officer</td>
<td>W.S. § 6-5-307</td>
</tr>
</tbody>
</table>

If you would like to research further the laws and remedies available in the specific jurisdiction you are in, we highly recommend the following free tool on our website:

1. **SEDM Jurisdictions Database**, Litigation Tool #09.003
   [http://sedm.org/Litigation/LitIndex.htm](http://sedm.org/Litigation/LitIndex.htm)
2. **SEDM Jurisdictions Database Online**, Litigation Tool #09.004
   [http://sedm.org/Litigation/LitIndex.htm](http://sedm.org/Litigation/LitIndex.htm)
The above tool is also available at the top row under the menu on our Litigation Tools page at the link below:

http://sedm.org/Litigation/LitIndex.htm

19  **Rebutted arguments against this pamphlet**

19.1  **Team Law rebuttal (Craig Madsen)**

**CLAIM:**

The website at:

Patriot Mythology, Team Law Website, Craig Madsen
http://www.teamlaw.org/Mythology.htm

States the following under item 1:

**Myth 1:**

The Strawman:

We have significant difficulties with the logic behind the Strawman theory and the respective Uniform Commercial Code filings. Not only do we not believe the feds created the alleged “Strawman”, but the Strawman theory is completely blown apart with simple logic. The theory simply does not fit the facts already known. What’s worse, this theory sets its followers up for a gigantic fall.

Think about it, by definition a “Strawman” is: “a nonexistent person”. The biggest problem with that is, if a person takes the argument to its logical conclusion in any reasonable application and someone challenges the argument (and they will), then the issue lands in court and you allege they created a “Strawman”. They contest your allegation saying, “we did not.” The result is, you have to prove the existence of a nonexistent person in order to win your argument, which is impossible—it is impossible to prove the existence of that which does not exist. The cause has already been challenged in the Supreme Court and that is exactly what happened, the case was determined to be frivolous, which it obviously is. Appeal records do not show such cases because frivolous cases are not accepted for appeal, they are simply ruled, “frivolous”.

The foundational problem with the whole Strawman theology is that it is based upon the thesis that the UNITED STATES GOVERNMENT is a government when in fact it is only a private foreign corporation (hereinafter “Corp. U.S.”). Within its own corporate purview, like in any corporation, it is a ‘government’, but outside of that purview it has no government authority whatsoever.

See also Strawman revisited, “I copyrighted my name”.

**REBUTTAL:**

First of all, Team Law spelled “Strawman” incorrectly. It is actually TWO words: “straw man”. In rebuttal:

1. We don’t agree with his definition of straw man. The definition is found in no less than the legal dictionary. We don’t have to prove its existence, because it is ALREADY defined in the legal dictionary as follows:

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


2. We don’t claim that the straw man is “nonexistent”. We know exactly who it is and it is a public office in the federal and state government created and wholly owned by the federal government. We have written three entire books proving that this public office is the ONLY “person” upon which the income tax can lawfully be enforced, not the human being filling said office. We simply ask Team Law to rebut the admissions at the end of each of the following three memorandums of law to disprove the evidence upon which we base our conclusions:
2.1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
http://sedm.org/Forms/FormIndex.htm

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

2.3. 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. We don’t ever argue the existence of the straw man INDEPENDENT from the public office that it constitutes. It has no existence APART from said public office. It is the office that is the subject of ALL government regulation of conduct, because the ability to regulate EXCLUSIVELY PRIVATE conduct is repugnant to the U.S. Constitution as held by the U.S. Supreme Court.

“...the power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest, 383 U.S. 245 (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)]

4. Anyone who wants to argue that the public office straw man DOES NOT exist need only prove that the definition of “trade or business” EXPRESSLY INCLUDES EXCLUSIVELY PRIVATE men and woman within the definition.
Under the rules of statutory construction, a failure to provide an EXPRESS INCLUSION constitutes a PURPOSEFUL EXCLUSION of PRIVATE conduct:

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

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a rule, a definition which declares what a term "means" necessarily excludes any meaning that is not stated"); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary." [Steinberg v. Carhart, 530 U.S. 914 (2000)]

Where is Team Law’s proof that EXCLUSIVELY PRIVATE human beings not occupying public offices in the de facto government are EXPRESSLY included in the definition of “trade or business”? The “includes” fraud isn’t a satisfactory defense based on the above and that approach is extensively rebutted in the following:

Meaning of the Words “includes” and “including”, Form #05.014
http://sedm.org/Forms/FormIndex.htm

If Team Law wishes to prove that the straw man is NOT a public office, it is asked HOW any constitutional government can lawfully regulate EXCLUSIVELY PRIVATE conduct or rights absent the EXPRESS consent of the governed in accordance with the following rules governing CONVERSION of PRIVATE property into PUBLIC property and offices:

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

### Table 9: Rules for converting private property to a public use or a public office

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

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

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

We agree with Team Law that the present “government” is a de facto and not de jure government and exists as a private municipal corporation impersonating a lawful constitutional government. We exhaustively prove this in the following document, in fact:

**De Facto Government Scam**, Form #05.043
[http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

That so called “de facto government” is only a “government” in the sense that it is the “employer” of those who claim to be its “public officers” within the private corporation. These same officers are defined as “persons” in 26 U.S.C. §6671(b) and 7343. We prove that all statutory “citizens”, “residents”, and “inhabitants” within this de facto national government are in fact and in deed statutory franchisees and public officers within the government and not PRIVATE human beings at:

**Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen**, Form #05.006, Section 3 and 4 [http://sedm.org/Forms/FormIndex.htm](http://sedm.org/Forms/FormIndex.htm)

Lastly, we don’t advocate or condone any of the following crazy things that people believe or try to do with the straw man, including but not limited to any of the following:

1. That one’s birth certificate is a financial security.
2. Creating “sight drafts” against a bond associated with one’s birth certificate.
3. Creating of bills of exchange against the straw man to cancel debts.
4. “Accepting for value” ANYTHING.
We disdain and do not condone ANY commercial use of the public officer straw man for the benefit of ANYONE other than its creator or owner, which is the corrupt de facto government. Hence, our position in this area could never be prosecuted as a commercial crime of any kind. Any attempt to use the public officer straw man for PERSONAL gain we associate with UCC Redemption, and NOT with the “straw man” argument generally described in this pamphlet.

19.2 Other rebuttals of redemption arguments

This pamphlet treats the “straw man” and UCC Redemption arguments separately. Most people wrongfully associate the two together but we do not. Those wishing to distinguish our SEPARATE position on UCC Redemption with that of the straw man should read the following:

1. Policy Document: UCC Redemption, Form #08.002
   http://sedm.org/Forms/FormIndex.htm
2. Flawed Tax Arguments to Avoid, Form #08.004, Sections 8.2 through 8.4
   http://sedm.org/Forms/FormIndex.htm

20 Conclusions and summary

We will now succinctly summarize everything that we have learned in this short memorandum of law in order to emphasize the important points:

1. What people call the “straw man” is real. It is recognized in the legal dictionary, in fact.
2. Three requirements must be met in order for a “straw man” to lawfully exist:
   2.1. A commercial transaction involving real or personal property.
   2.2. Agency of one or more persons on behalf of an artificial entity who accomplish the commercial transaction.
   2.3. Property being acquired by a party that otherwise is not allowed or not lawful.
3. The government had to create the straw man because without it, nearly everyone would be entirely beyond their reach as an exclusively private person and a sovereign.
   3.1. The ability to regulate private conduct, in fact, is “repugnant to the constitution”, according to the U.S. Supreme Court. City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 (1997).
   3.2. The straw man makes it possible for the government to regulate private conduct indirectly, rather than directly, using the office that the government created and which you consented to occupy by applying for government franchises and benefits and thereby exercising your right to contract. The government can only tax that which it created. Since it didn’t create the natural being, then it had to create something else and fool you into believing that you are that person using “words of art”, smoke, and mirrors.

   “The power to tax involves the power to destroy; the power to destroy may defeat and render useless the power to create; and there is a plain repugnancy in conferring on one government [THE FEDERAL GOVERNMENT] a power to control the constitutional measures of another [WE THE PEOPLE], which other, with respect to those very measures, is declared to be supreme over that which exerts the control.”
   [Van Brocklin v. State of Tennessee, 117 U.S. 131 (1886)]

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

   “The great principle is this: because the constitution will not permit a state to destroy, it will not permit a law [including a tax law] involving the power to destroy.”
   [Providence Bank v. Billings, 20 U.S. 514 (1830)]

4. The key to understanding the straw man is to understand the law of PROPERTY. The heart of the law of property is the following concepts:
   4.1. Ownership of a thing implies the right to exclude ALL OTHERS from either USING or BENEFITTING from the use of a thing.
   4.2. Property includes not only PHYSICAL things but rights or privileges to use a thing.
   4.3. Physical possession of a material thing does NOT imply OWNERSHIP.

Proof that There Is a “Straw man”
4.4. Rights over the possessor of a physical thing may lawfully be acquired by handing that physical thing to a person and giving them notice of the obligations that attach to TEMPORARY possession or use of that thing. For instance, 20 C.F.R. §422.103(d) says that Social Security Cards and numbers are property of the government EVEN AFTER you receive physical custody of them. The Social Security Card also says this and emphasizes that the card must be returned to the government OWNER upon request.

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


5. In law, all rights are “property”. The purpose of creating the straw man is to allow the government to acquire PUBLIC rights and CIVIL jurisdiction over OTHERWISE EXCLUSIVELY PRIVATE property WITHOUT compensating the human beings it acquires them from. Without the straw man, this acquisition of otherwise EXCLUSIVELY PRIVATE property would be unlawful but with the straw man, it is not unlawful. There are four main “rights” or types of property that the government acquires by creating the straw man that they cannot otherwise lawfully possess in the context of EXCLUSIVELY PRIVATE persons:

5.1. They cannot lawfully impose duties or obligations upon human beings without compensation. This is a violation of the Thirteenth Amendment prohibition against involuntary servitude. This prohibition, unlike the Bill of Rights, applies everywhere, including on federal territory.

5.2. They cannot lawfully abuse their power to tax to pay public monies to private persons.

5.3. They cannot lawfully maintain records about private persons without their consent.

5.4. They cannot lawfully use, benefit from, or tax your private property without your consent, whether express or implied.

6. The “straw man” in all the contexts we have been able to identify is simply:

6.1. A “public officer” or agent within the government.

6.2. An artificial entity that is usually the subject of a trust. That trust is usually an extension of the “public trust”, meaning the government. The trust document is the Constitution.

"Whatever these Constitutions and laws validly determine to be property, it is the duty of the Federal Government, through the domain of jurisdiction merely Federal, to recognize to be property. And this principle follows from the structure of the respective Governments, State and Federal, and their respective relations. They are different agents and trustees of the people of the several States, appointed with different powers and with distinct purposes, but whose acts, within the scope of their respective jurisdictions, are mutually obligatory."

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

7. The straw man is a creation of the government.

7.1. The straw man is therefore “property” of the government. The essence of ownership over “property” is the protected right to exclude its use by others and to deprive others of any of the “benefits” arising from its use.

7.2. Only those expressly authorized by the government can therefore lawfully “benefit” commercially from the government’s creation and property. That authorization must be found somewhere within the franchise agreement that created the straw man.

7.3. You as a private human being cannot therefore lawfully take control of or benefit from the straw man without IMPLICITLY CONSENTING to become a trustee and public officer of the government operating under the terms of the franchise agreement that created the straw man and regulates its activities. Within Internal Revenue
Code, Subtitle A, for instance, the “straw man” is a franchisee called a “taxpayer” as defined in 26 U.S.C. §7701(a)(14).

7.4. If you try to commercially benefit from the straw man WITHOUT accepting the associated liabilities and the public office that goes with it, then you are stealing property from the government and you will lose in court every time and deserve to lose. This idea is the reason why so many people lose in court who try to cancel debts, transfer liabilities of the straw man to others, or file bills of exchange liening the straw man in satisfaction of tax debts. All such activities amount essentially to stealing property from the government.

7.5. Income taxes essentially amount to the “rent” you pay for the “privilege” of availing yourself of the “benefits” of the franchise associated with the straw man such as:

7.5.1. Unemployment insurance.
7.5.2. Medicare benefits.
7.5.3. Social security benefits.
7.5.4. A fiat currency system that makes it easy to borrow.

8. If you want to identify who the “straw man” is in the law, start with the definitions for the following terms:

8.1. “person”. See, for instance, 26 U.S.C. §6671(b) and 26 U.S.C. §7343, all of whom are officers or employees of federal corporations and not natural beings.
8.2. “individual”. See 26 C.F.R. §1.1441-1(c)(3), which is defined as an alien or nonresident alien who is then defined in 26 C.F.R. §1.1-1(a)(2)(ii) as being engaged in the “trade or business” franchise.
8.3. “taxpayer”. See 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313. This is a “person” engaged in the “trade or business” franchise and therefore a “public office” within the U.S. government.
8.4. “citizen”. See 26 C.F.R. §1.1-1(c). Defined as an artificial entity with a domicile in the District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
8.5. “resident”. See 26 U.S.C. §7701(b)(1)(A). Defined as an artificial entity that is an alien with a domicile in the District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
8.7. “U.S. person” as defined in 26 U.S.C. §7701(a)(30), where the “U.S.” they mean is the government and not any geographical place.
8.8. “trade or business”. 26 U.S.C. §7701(a)(26) defines this as “the functions of a public office”. Only public officers can lawfully exercise the functions of a public office. You have to be a public officer for the national government in order for them to acquire extraterritorial jurisdiction in a foreign state, which is what the states of the Union are in relation to the national government under the Constitution.

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

9. The usual method for creating the “straw man” is the exercise of your right to contract by applying for and accepting government franchises and other so-called “benefits”. In other words, the exercise of your right to contract creates the artificial “person” or “public office” or “res” that is the only lawful subject of nearly all government legislation. For details on how these franchises operate, see:

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

10. All government franchises:

10.1. Are “Property” within the meaning of Article 4, Section 3, Clause 2 of the United States government.
10.2. Are implemented as contracts and must meet all the same criteria as contracts in order to be enforceable.

As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit, and as 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.
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]


10.3. Function as “private law” that “acquires the force of law” and “activates” ONLY upon your voluntary consent.
Without your consent, they are NOT “law” in your specific case and may NOT lawfully be enforced against you.
10.4. May be consented to implicitly (by conduct) or explicitly (in writing).
10.5. Create a “res” that is the object of all litigation directed at the franchisee.
10.6. May be enforced without any constitutional constraint by the government. Those who accept the “benefits” of the franchise implicitly surrender their right to complain about violations of their constitutional rights resulting from enforcement of the franchise agreement:

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

“The Government urges that the Power Company is estopped to question the validity of the Act creating the Tennessee Valley Authority, and hence that the stockholders, suing in the right of the corporation, cannot [297 U.S. 323] maintain this suit. … The principle is invoked that one who accepts the benefit of a statute cannot be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581; Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co., 260 U.S. 469.
[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]

“...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”

CALIFORNIA CIVIL CODE
DIVISION 3. OBLIGATIONS
PART 2. CONTRACTS
CHAPTER 3. CONSENT
Section 1589
1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations arising from it, so far as the facts are known, or ought to be known, to the person accepting.

11. In the courts, the term “franchise” is disguised using the name “benefits”, “public right”, or “publici juris” in order to avoid all the problems that the truth can create for those intent on plundering your private property in government or intent on converting that private property to a public use. See:

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

12. Social Security Numbers and Taxpayer Identification Numbers function as the de facto license number to act as the “straw man” and exercise the functions of a public office within the government. The term “trade or business”, in fact, is synonymous with a “public office” in the government.

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

You must obtain a U.S. taxpayer identification number (TIN) for:
• Any recipient whose income is effectively connected with the conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)] in the United States.
  Note. For these recipients, exemption code 01 should be entered in box 6.

[...]

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.
[IRS Form 1042s Instructions, Year 2006, p. 14]

13. The exercise of the duties of the straw man/public office can only lawfully occur in the District of Columbia and not elsewhere as mandated by statute:

TITLE 4 > CHAPTER 3 > § 72
§ 72. Public offices; at seat of Government
14. Federal franchises may only lawfully be created or enforced on federal territory and not within any state of the Union.

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

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

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

The reason for the above is because the rights of persons protected by the U.S. Constitution within states of the Union are “unalienable”, according to the Declaration of Independence. “Inalienable” means they cannot be bargained away or sold through any commercial process. Since franchises are a commercial process, they cannot lawfully be offered on land protected by the Constitution and therefore may only be offered to persons domiciled on federal territory.

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

[Declaration of Independence]

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


15. Nearly every type of government franchise we have examined eventually links you back to the following circumstances:


15.2. Domiciled on federal territory and therefore a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or statutory “U.S. resident” (alien) pursuant to 8 U.S.C. §1101(a)(3).

15.3. In possession, receipt, or control of some form of government property, including:

15.3.1. Government numbers.

15.3.2. Government information.

15.3.3. Government contracts.

15.3.4. Government franchises.

15.3.5. Government “benefits” or payments.

15.3.6. Private property associated with government numbers and a “public use” in order to procure the benefits of a government franchise.

"Men are endowed by their Creator with certain unalienable rights, ‘life, liberty, and the pursuit of happiness;’ and to ‘secure,’ not grant or create, these rights, governments are instituted. That property [or income] which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor’s injury, and that does not mean that he must use it for his neighbor’s benefit; second, that if he devotes it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation."

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

16. All legal actions against the “straw man” are “in rem”. An “in rem” proceeding is one against property:

16.1. The property at issue in the controversy is the “res”. The “res” is the “account” that attaches to the “straw man.”
16.2. The license number or identifying number associated with the “res” is a synonym for the “res” itself. For instance, Taxpayer Identification Numbers are the “res” in tax proceedings in federal court.

16.3. Federal courts which hear matters relating to disputes over franchises and the “straw man” that attaches to the franchise derive all their authority under Article 4, Section 3, Clause 2 of the United States Constitution.

16.4. Judges officiating over franchises are acting in an administrative capacity under Article 4, Section 3, Clause 2 of the Constitution rather than in an Article III constitutional capacity. For instance, the United States Tax Court is a legislative franchise court in the Executive rather than judicial branch of the government. It is established pursuant to Article I of the United States Constitution as described in 26 U.S.C. §7441.

16.5. All federal district and circuit courts are Article 4, Section 3, Clause 2 “property courts”, which are also called “franchise courts”. See:

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

16.6. All rights are property. Anything that conveys rights is property. Contracts convey rights and are therefore “property”. All franchises are contracts and therefore “property” within the meaning of Article 4, Section 3, Clause 2 of the United States Constitution.

17. No one may lawfully compel you to accept the duties of the straw man or to participate in the franchises which create it. Neither Congress nor any court may lawfully compel you to accept the duties of a franchise and use a franchise court without your consent. If they do, they are violating the Thirteenth Amendment prohibition against involuntary servitude.

18. There is nothing inherently wrong with the government’s use of franchises, so long as:

18.1. They are required to produce written evidence of EXPRESS consent to participate IN WRITING, not unlike how they require you to prove a waiver of sovereign immunity using a statute if you want to sue them.

18.2. They are implemented using voluntary licenses.

18.3. They protect your right NOT to volunteer by warning you that they can’t force you to participate and prosecuting all those who force you to participate.

18.4. They are not enforced outside of federal territory.

18.5. They are not used to undermine the constitutional rights of those not domiciled on federal territory and who are therefore protected by the Constitution.

18.6. The government enforces your equal right to engage them in franchises of your own creation using the same mechanisms by which they trap you in their franchises. For instance, if third parties are allowed to volunteer you into the “trade or business” franchise simply by filing an unsigned information return, then you have an equal right to obligate the government to become obligated by similar third party reports under the terms of your own franchise. If they won’t enforce the same rights on your part that they have in this regard, they are violating the requirement for equal protection that is the foundation of the Constitution. This, in fact, is how the following form works: It implements an anti-franchise franchise:

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

19. If anyone compels you to accept the duties of the franchise or compels you to accept the obligations of the public office or the straw man that attaches to it without compensation that you and not they deem sufficient, then they are:


19.2. If they are compelling you in court to accept the duties of a franchise that they can’t prove consent on the record to participate, they are also abusing legal process to enslave you in criminal violation of 18 U.S.C. §1589(3) and owe mandatory restitution pursuant to 18 U.S.C. §1593.

19.3. Exercising eminent domain over your labor and property without compensation.

19.4. Engaging in criminal conversion of your PRIVATE property to a PUBLIC use without your consent pursuant to 18 U.S.C. §654.

19.5. If the franchise being enforced is “domicile”; they are engaging in a criminal “protection racket”.

All of the above prohibitions apply no whatever class or name.”

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT: ________
"Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. It operates directly on every citizen of the Republic, wherever his residence may be."

[Clayton v. U.S., 197 U.S. 207 (1905)]

20. We have found no evidence from any credible source that the use of the all caps name signifies anything.
20.1. Only by associating one’s personal property with government property, such as the de facto license number called the Taxpayer Identification Number or Social Security Number, can a person then be required to satisfy the duties of the straw man and the public office that it attaches to.
20.2. If you argue that the ALL CAPS name means anything in front of a judge or a jury, THEY ARE GOING TO HANG YOU! Instead, please focus on more substantive issues contained in this memorandum. If you want to know HOW they will hang you if you use the all caps name argument, see section 7.1 of the following:

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

21. The usual method of attaching property to the franchise under the I.R.C., for instance, is to avail yourself of any of the following commercial “benefits” found within the I.R.C. in the context of specific property that is in your name:

All of the above instances of availing oneself of the commercial “benefits” of the franchise agreement are described within the regulation at 26 C.F.R. §301.6109-1, in which the conditions are prescribed where disclosure of a Taxpayer Identification Number are prescribed. For further details, see:

About SSNs and TINs on Government Forms and Correspondence, Form #04.104
http://sedm.org/Forms/FormIndex.htm

22. If you want to avoid participation in a franchise or attack the enforceability of it against you, you must:
22.1. Learn EXACTLY how franchise work and all their weak points. You must understand your enemy if you want to win at war. See:

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

22.2. Identify yourself as a “nonresident”, “transient foreigner”, and “stateless person” in relation to the government granting the franchise. All franchises are implemented as civil law that attaches to the jurisdiction that you claim domicile within. If you don’t have a domicile within their jurisdiction because you are a “nonresident”, then they can’t enforce the franchise against you, including penalties.
22.3. Insist under penalty of perjury that you received no “benefits” that are enforceable as “rights” in court by virtue of participation. Any contract that does not create mutually enforceable rights in a constitutional and not franchise court is unenforceable. Place the burden of proof on the government to prove that you received a “benefit” and that you were eligible to receive it.
22.4. Insist that the government is not allowed to give you any “benefits” under the franchise agreement and that if they do, they are “gifts” that create no obligation. This is exactly the same thing the government does with the tax system: Claim that any contributions voluntarily given are gifts that are non-refundable and create no obligation on their part. See Treasury Decision 3445 below:

http://famguardian.org/TaxFreedom/CitesByTopic/voluntary.htm

22.5. Not use government identifying numbers in connection with your PRIVATE personal property.
22.6. Fight their franchise using an anti-franchise. Remember: The foundation of the Constitution is equal protection and equal rights, which means that you can use the same devious tactics and franchises that they do. For instance, on the form that regulates the franchise, write “not valid without the attached form.” Then attach your own form that establishes a franchise that invalidates theirs and makes the recipient into surety for any obligations imposed upon you for your participation. Our Tax Form Attachment, Form #04.201, does that, for instance.
22.7. Identify yourself as not being the “person”, “individual”, “taxpayer”, “beneficiary”, “employer”, etc. named within the franchise agreement.

22.8. In the case of the Internal Revenue Code, attach the following form to all tax forms you fill out to avoid a waiver of rights or conveying consent to participate in the “trade or business” franchise:

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

22.9. Include on all government forms that could link you to a franchise the following language:

“All rights reserved, U.C.C. §1-308 and its predecessor, U.C.C. §1-207.”

23. There are no easy ways out of the franchise matrix that created the “straw man” other than to learn the law. The enemy is ignorance, not the government, the IRS, or the income tax:

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

23.1. Anyone who promises you a silver bullet ultimately is going to get you in trouble.

23.2. UCC redemption is an example of an easy way out that we strongly discourage people from getting involved in commercially. For the reasons why, see:

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

One way or another, whether it is through the false information returns that ignorant third parties including banks file against you, or whether it is your own ignorance in filling out government forms so as to improperly describe yourself, the message from the government is loud and clear about their firm desire to exercise eminent domain over everything and everyone and make them into indentured servants working under a franchise of one kind or another and without compensation or even respect, and here is the message:

“We are the Matrix. You will be assimilated. Resistance is futile. One way or another we will make you into one of our officers and employees without compensation or we will destroy you through selective enforcement if you refuse to cooperate. We don’t care that the First Amendment prohibits compelled association or that we can’t compel you to contract with us without violating the Constitution. We will just PRESUME that you consented to our franchise agreement, and that agreement places you squarely on federal territory in a place not protected by the Constitution so just kiss your rights goodbye and bend over.

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

You will BEG us to be part of our system or you will be destroyed by corrupted courts and selective enforcement. See:

The Government “Benefits” Scam, Form #05.040
http://sedm.org/Forms/FormIndex.htm

Proof that There Is a “Straw man” 263 of 279
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
If we can’t assimilate you directly because you know too much and refuse to consent, then we will lie to others about what the law requires using “words of art” and publications that have disclaimers, be protected in that irresponsible and unlawful effort by corrupt courts full of “taxpayer” judges, and thereby cause others to file false reports signed under penalty of perjury such as information returns and CTRs that will connect you to federal franchises and thereby assimilate you and elect you involuntarily into a “public office” in criminal violation of 18 U.S.C. §912.

“You shall not circulate a false report [information return]. Do not put your hand with the wicked to be an unrighteous witness.”
[Exodus 23:1, Bible, NKJV]

“You shall not hear false witness [or file a FALSE REPORT or information return] against your neighbor.”
[Exodus 10:16, Bible, NKJV]

“A false witness will not go unpunished. And he who speaks lies shall perish.”
[Prov. 19:9, Bible, NKJV]

“If a false witness rises against any man to testify against him of wrongdoing, then both men in the controversy shall stand before the LORD, before the priests and the judges who serve in those days. And the judges shall make careful inquiry, and indeed, if the witness is a false witness, who has testified falsely against his brother, then you shall do to him as he thought to have done to his brother; [entitlement into slavery (pursuant to 42 U.S.C. §1994)] to the demands of others without compensation] so you shall put away the evil from among you. And those who remain shall hear and fear, and hereafter they shall not again commit such evil among you. Your eye shall not pity: life shall be for life, eye for eye, tooth for tooth, hand for hand, foot for foot.”
[Deut. 19:16-21, Bible, NKJV]

This is what it means when we, the Beast of Revelations and Satan’s whore, described our communist plan in 50 U.S.C. §841:

**Proof that There Is a “Straw man”**

---

**Title 50 > Chapter 23 > Subchapter IV > Sec. 841.**

Sec. 841. - Findings and declarations of fact

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an authoritarian dictatorship [IRS, DOJ, and corrupted federal judiciary in collusion], within a [constitutional] republic, demanding for itself the rights and privileges [including immunity from prosecution for their wrongdoing] over [Article I, Section 9, Clause 8 of the Constitution] accorded to political parties, but denying to all others the liberties [Bill of Rights] guaranteed by the Constitution.

Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of the tax laws] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding recently by the framing of Congressman Traficant], have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public schools by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. Unlike political parties, the Communist Party [thanks to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon that of its members.

The Communist Party is relatively small numerically, and gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its activities, and its dedication to the proposition that the present constitutional Government of the United States ultimately must be brought to ruin by any available means, including resort to force and violence [or using income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the security of the United States. It is the means whereby individuals are seduced into the service of the world Communist movement [with FALSE information returns], trained to do its bidding, and directed and controlled in
the conspiratorial performance of their revolutionary services. Therefore, the Communist Party should be outlawed

If you try to correct these false reports, we will ignore your corrections and rebuttals or call them “frivolous” so we can keep you under our thumb as our indentured servant and slave in violation of the Thirteenth Amendment, 42 U.S.C. §1994, and 18 U.S.C. §1581.

“That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude, except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of bondage, the ownership of mankind as a chattel, or at least the control of the labor and services of one man for the benefit of another [under the terms of a COMPULSORY franchise agreement], and the absence of a legal right to the disposal of his own person, property, and services [in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been intended primarily to abolish slavery, as it had been previously known in this country, and that it equally forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude and that the use of the word ‘servitude’ was intended to prohibit the use of all forms of involuntary servitude, of whatever class or name.” [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

The above situation has been prophesied for thousands of years and that prophesy has now come to pass:

“And the smoke of their torment ascends forever and ever; and they have no rest day or night, who worship [serve and subsidize] the beast and his image [the image on the money. Remember what Jesus said about “whose image is this?"], and whoever receives the mark [Social Security Number or Taxpayer Identification Number] of his name.” [Rev. 14:11, Bible, NKJV]

When you use the number, you are recruited to join the Matrix, because the regulations say it may only be used by those engaged in a “trade or business” and a “public office” inside the belly of the Beast:

TITLE 26—INTERNAL REVENUE
CHAPTER 1—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
PART 301_PROCEDURE AND ADMINISTRATION—Table of Contents Information and Returns Sec. 301.6109-1 Identifying numbers.

(b) Requirement to furnish one’s own number—

(1) U.S. [government, not geographical United States] persons [GOVERNMENT officers and agents domiciled on federal territory within the Beast].

Every U.S. person who makes under this title a return, statement, or other document must furnish its own taxpayer identifying number as required by the forms and the accompanying instructions. A U.S. person whose number must be included on a document filed by another person must give the taxpayer identifying number so required to the other person on request.

For penalties for failure to supply taxpayer identifying numbers, see sections 6721 through 6724. For provisions dealing specifically with the duty of employees with respect to their social security numbers, see Sec. 31.6011(b)-2 (a) and (b) of this chapter (Employment Tax Regulations). For provisions dealing specifically with the duty of employers with respect to employer identification numbers, see Sec. 31.6011(b)-1 of this chapter (Employment Tax Regulations).

(2) Foreign persons.

The provisions of paragraph (b)(1) of this section regarding the furnishing of one’s own number shall apply to the following foreign persons--

(1) A foreign person that has income effectively connected with the conduct of a U.S. trade or business [public office] at any time during the taxable year:

The “U.S. person” described above in 26 C.F.R. §301.6109-1(b)(1) is also presumed to be engaged in a public office within the government, meaning within the belly of the BEAST, as revealed by the following:
Proof that There Is a “Straw man”

(c) Effectively connected income, etc.

(3) Other income from sources within United States

All income, gain, or loss from sources within the United States (other than income, gain, or loss to which paragraph (2) applies) shall be treated as effectively connected with the conduct of a trade or business (“public office”) within the United States.

The ONLY place where “all income” is connected to a franchise is the government, not the geographical “United States” mentioned in the Constitution. The Bible confirms that the “Beast” is in fact the government, not a specific person or geographical region:

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

[Rev. 19:19, Bible, NKJV]

The “United States” they are referring to above is the government which happens to be in the District of Columbia per 4 U.S.C. §72, not any geographic entity and certainly not anyone in a state of the Union. Mark Twain called the District of Columbia the “District of Criminals”, and now you know why. 26 U.S.C. §7701(a)(9) and (a)(10) describes the geographic “United States” for the purposes of taxes, but that is not the main sense in which the term is used in the I.R.C., nor is the sense intended ever specifically identified in nearly all cases:

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

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

(9) United States

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

(10) State

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

TITLE 4 > CHAPTER 3 > § 72
§ 72. Public offices; at seat of Government

All [public] offices attached [e.g. “effectively connected”] to the seat of government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law.

[SOURCE: http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html]

Uniform Commercial Code (U.C.C.)
§ 9-307. LOCATION OF DEBTOR.

(h) [Location of United States,]

The United States is located in the District of Columbia.


The office you serve in as the “straw man” is domiciled in the District of Columbia pursuant to Federal Rule of Civil Procedure 17(b). Under that rule, it doesn’t matter where your domicile is as a human being because the civil law that MUST be enforced against all public officers of the “United States” federal corporation does not come from your choice of domicile.

Proof that There Is a “Straw man”
Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013
EXHIBIT:_______
21 Resources for Further Study and Rebuttal

If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following authoritative sources, and also welcome you to rebut any part of this pamphlet after you have read it and studied the subject carefully yourself just as we have:

1. Officers of the United States Within the Meaning of the Appointments Clause, U.S. Attorney Memorandum Opinion
2. Government Instituted Slavery Using Franchises, Form #05.030-explains how franchises are used to create public offices and agency.
   http://sedm.org/Forms/FormIndex.htm
3. Corporatization and Privatization of the Government, Form #05.024-describes how our de jure government has been surreptitiously transformed into a private, for profit corporation that concerns itself only with maximizing its revenues, power, and control. All “citizens” have been transformed into “public officers” within this corporation.
   http://sedm.org/Forms/FormIndex.htm
4. About IRS Form 56, Form #04.204-how to formally disconnect from the public officer straw man
   http://sedm.org/Forms/FormIndex.htm
5. Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008-proves that all “taxpayers” are “public officers” within the government.
   http://sedm.org/Forms/FormIndex.htm
6. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037-proves that if the government is enforcing statutory law against you, it has to presume that you are one of its own officers, employees, or contractors and NOT a private person. Your job in litigation is to force them to PROVE that you are.
   http://sedm.org/Forms/FormIndex.htm
7. Policy Document: UCC Redemption, Form #08.002-describes the official policy of this website towards those who believe in UCC redemption.
   http://sedm.org/Forms/FormIndex.htm
8. About SSNs and TINs on Government Forms and Correspondence, Form #05.012-proves that the government cannot use a Taxpayer Identification Number unless you are an alien engaged in a public office in the U.S. government. Shows how to disconnect from using these numbers and thereby disconnect from the straw man.
   http://sedm.org/Forms/FormIndex.htm
9. The Wizard of Oz, Family Guardian Fellowship—true significance of the famous Wizard of Oz story. Allegorically shows the changes in our government in the 1930’s.
   http://famguardian.org/Subjects/MoneyBanking/UCC/WizardOfOz.pdf
10. State Created Office of “Person”, Family Guardian Fellowship
    http://famguardian.org/Subjects/Freedom/Sovereignty/OfficeOfPerson.htm
11. Highlights of American Legal and Political History CD, Sovereignty Education and Defense Ministry. Shows how our republic was corrupted so that the government could steal your money
    http://sedm.org/ItemInfo/Disks/HOALPH/FOALPH.htm
    http://famguardian.org/Subjects/MoneyBanking/UCC/MasteringTheUCC.pdf
13. Mastering the Uniform Commercial Code, Family Guardian Fellowship
    http://famguardian.org/Subjects/MoneyBanking/UCC/MasteringTheUCC.pdf
14. UCC Filing, Family Guardian Fellowship
    http://famguardian.org/TaxFreedom/Forms/Emancipation/UCCFiling.htm
15. U.C.C. Security Agreement, Form #14.002
    http://sedm.org/Forms/FormIndex.htm
16. Money and Banking Page, Family Guardian Fellowship
    http://famguardian.org/Subjects/MoneyBanking/MoneyBanking.htm
17. How the IRS traps into liability by making you a fiduciary for a dead “straw man”, Family Guardian Fellowship
    http://famguardian.org/TaxFreedom/Instructions/0.6HowIRSTrapsYouStrawman.htm
18. Memorandum of Law on the Name, Family Guardian Fellowship—detailed research on the use of the upper case name.
    http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm
Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to Federal Rule of Civil Procedure 8(b)(6), failure to deny within 10 days constitutes an admission to each question. Pursuant to 26 U.S.C. §6065, all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

Reasonable Belief About Income Tax Liability. Form #05.007
http://sedm.org/Forms/FormIndex.htm

Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

1. Admit that the government can only tax, regulate, and destroy that which it creates.

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

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_________________________________________________________________________

2. Admit that the government did not create human beings, and therefore it cannot tax, regulate or destroy them until they VOLUNTARILY engage in franchises created by the government.

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:_________________________________________________________________________

3. Admit that the Thirteenth Amendment to the United States Constitution prohibits involuntary servitude and slavery of human beings both in states of the Union and on federal territory, except as a punishment for a crime:

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

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

―

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

[Chatt v. U.S., 197 U.S. 207 (1905)]

―

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _______________________________

4. Admit that the only affirmative duty that any just government can impose against a human being without violating the Thirteenth Amendment is the duty to refrain from injuring the equal rights of other fellow human beings:

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

[President Thomas Jefferson, concluding his first inaugural address, March 4, 1801]

Love does no harm to a neighbor; therefore love is the fulfillment of the law.

[Romans 13:9-10, Bible, NKJV]

―

“Do not strive with [or try to regulate or control or enslave] a man without cause. if he has done you no harm.”

[Prov. 3:30, Bible, NKJV]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _______________________________

5. Admit that the duty to refrain from injuring others is implemented by the criminal or penal law and that everyone has an equal duty to obey the criminal laws but must consent to every other type of civil law in order for it to be enforceable against them:

“The rights of the individual are not derived from governmental agencies, either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by
the citizenship to the agencies of government. The people’s rights are not derived from the government, but the

6. Admit that the only way you can become subject to any civil law that imposes any kind of duty or obligation is through

the exercise of your right to contract.

A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or

abstain from doing, some act. Wharton; Smith v. Thombill, Tex.Com.App. 25 S.W.2d. 597, 599. It is agreement

creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality

of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are

not ascertainable. H. Liebes & Co. v. Klengenberg, C. C.A.Ca1.. 23

A contract or agreement is

either where a promise is made on one side and assented to on the other; or where two or more persons enter

into engagement with each other by a promise on either side. 2 Steph.Comn1. 54. The writing which contains

the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.

Conversely, a franchise granted without consideration is not a contract binding upon the state. It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration. As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state.

A contract thus created has the same status as any other contract recognized by the law; it is binding mutually upon the grantor and the grantee and is enforceable according to its terms and tenor, and is entitled to be protected from impairment by legislative action under the provision of the state and federal constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened. The well-established rule as to franchises is that where a municipal corporation, acting within its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be impaired by a subsequent municipal enactment. Certain limitations upon this general rule, and particular applications thereof, are discussed in the following section.

The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state statute or in the constitution of the state.

[American Jurisprudence 2d, Franchises, §2: As a Contract (1999)]

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION:________
9. Admit that the “person” defined below at some point exercised his right to contract and consented to the duties
described.

   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.

   YOUR ANSWER:  ____Admit  ____Deny

   CLARIFICATION: ____________________________

10. Admit that the “person” described in the previous question, by virtue of being the subject of the civil provisions
    indicated, is an officer, agent, or employee of the United States government under contract or agreement with the U.S.
    government.

    YOUR ANSWER:  ____Admit  ____Deny

    CLARIFICATION: ____________________________

11. Admit that the “person” indicated in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 is consensually engaged in franchises
    with the United States government.

    YOUR ANSWER:  ____Admit  ____Deny

    CLARIFICATION: ____________________________

12. Admit that the issuance of a license or some form of consent is required in order to become subject to a government
    franchise agreement.

    YOUR ANSWER:  ____Admit  ____Deny

    CLARIFICATION: ____________________________

13. Admit that the U.S. Supreme Court has held that Congress may not authorize, meaning “license” any activity within a
    state in order to tax it.

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

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

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:____________________________________

14. Admit that because of the U.S. Supreme Court holding in the License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866), the only place the U.S. government can lawfully license anything is on its own territory and not within any state of the Union.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:____________________________________

15. Admit that Social Security Numbers and Taxpayer Identification Numbers function as de facto “licenses” to act as a “public officer” within states of the Union and to participate in government franchises.

Box 14, Recipient’s U.S. Taxpayer Identification Number (TIN)

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

- Any recipient whose income is effectively connected with the conduct of a trade or business in the United States.
- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
- Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
- A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c) or as a private foundation.
- Any QI.
- Any WP or WT.
- Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services (services connected with a “trade or business”).
- Any foreign grantor trust with five or fewer grantors.
- Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.

[IRS Form 1042s Instructions, Year 2006, p. 14]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:____________________________________

16. Admit that a “trade or business” is defined as “the functions of a public office”.

26 U.S.C. § 7701(a)(26)

"The term 'trade or business' includes [is limited to] the performance of the functions of a public office."

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

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

YOUR ANSWER:  ____Admit  ____Deny

CLARIFICATION:______________________________

17. Admit that all public offices must be exercised ONLY in the District of Columbia and not elsewhere, except as expressly and statutorily authorized by Congress.

    TITLE 4 > CHAPTER 3 > Sec. 72
    Sec. 72. - Public offices; at seat of Government

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

    YOUR ANSWER:  ____Admit  ____Deny

    CLARIFICATION:______________________________

18. Admit that Congress has never expressly authorized the “public offices” that are the subject of the tax upon a “trade or business” within any state of the Union.

    YOUR ANSWER:  ____Admit  ____Deny

    CLARIFICATION:______________________________

19. Admit that all “taxpayers” under Internal Revenue Code Subtitle A are aliens engaged in a “trade or business”.

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

    (a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d) [Married individuals filing separate returns], as amended by the Tax Reform Act of 1969, shall apply to the income effectively connected with the conduct of a trade or business in the United States by a married alien individual who is a nonresident of the United States for all or part of the taxable year or by a foreign estate or trust. For such years the tax imposed by section 1(c) [unmarried individuals], as amended by such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United States by an unmarried alien individual (other than a surviving spouse) who is a nonresident of the United States for all or part of the taxable year. See paragraph (b)(2) of section 1.871-8. [26 C.F.R. §1.1-1(a)(2)(ii)]

    TITLE 26--INTERNAL REVENUE
    CHAPTER I--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY
    Part 1_Income Taxes--Table of Contents
    Sec. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

    (c) Definitions—

    […]
(3) Individual——

(i) Alien individual.

The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).

(ii) Nonresident alien individual.

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:________________________________________

20. Admit that it is unlawful for aliens to occupy a “public office” and that only “citizens” may lawfully do so.

4. Lack of Citizenship

§74. Aliens can not hold Office. - -

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

In accordance with this principle it is held that an alien cannot hold the office of sheriff.116

[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=titlenav]

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:________________________________________

21. Admit that a subset of those holding “public office” are described as “employees” within 26 U.S.C. §3401(c ) and 26 C.F.R. §31.3401(c)-1.

26 U.S.C. §3401(c ) Employee

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

26 C.F.R. §31.3401(c)-1 Employee:

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

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION:________________________________________

22. Admit that the “employee” defined above is the SAME “employee” described in IRS Form W-4.

YOUR ANSWER: _____Admit _____Deny

CLARIFICATION: _______________________________________________________


24. Admit that IRS Forms W-2, 1042-S, 1098, and 1099 cannot lawfully be used to CREATE public offices, but merely document the exercise of those already lawfully occupying said office pursuant to Article VI of the United States Constitution.

25. Admit that if IRS Forms W-2, 1042-S, 1098, and 1099 are used to “elect” an otherwise private person involuntarily into public office that he or she does not consent to occupy, the filer of the information return is criminally liable for:

25.1. Filing false returns and statements pursuant to 26 U.S.C. §§7206, 7207.


26. Admit that one cannot be an “employee” as defined above or within the meaning of 5 U.S.C. §2105 without also being engaged in a “trade or business” activity.

---

Proof that There Is a “Straw man”

Copyright Sovereignty Education and Defense Ministry, http://sedm.org
Form 05.042, Rev. 8-6-2013

EXHIBIT: _______
(D) an individual who is an employee under this section;
(E) the head of a Government controlled corporation; or
(F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

(2) engaged in the performance of a Federal function under authority of law or an Executive act; and
(3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the
performance of the duties of his position.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____________________________________________

27. Admit that there is no definition of “employee” within Subtitle C of the Internal Revenue Code or the Treasury
Regulations which would expand upon the meaning of “employee” in 26 U.S.C. §3401(c ) to include private workers
or those who work for “private employers”.

Internal Revenue Manual § 14.10.2 (09-30-2004)
Payroll Deduction Agreements

2. Private employers, states, and political subdivisions are not required to enter into payroll deduction
[withholding] agreements. Taxpayers should determine whether their employers will accept and process
executed agreements before agreements are submitted for approval or finalized.

YOUR ANSWER: ____Admit ____Deny

CLARIFICATION: _____________________________________________

28. Admit that the rules of statutory construction prohibit expanding definitions or “terms” used within the I.R.C. to
include anything or class of things not specifically spelled out and that doing so constitutes a prejudicial presumption
that is a violation of due process of law.

"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v.
Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed
in other legislation, has no pejorative connotation. As judges, it is our duty to [481 U.S. 485] construe
legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who
has not even read it.”
[Meese v. Keene, 481 U.S. 465, 484 (1987)]

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that
term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory
definition of the terms excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n.
10 (“As a rule, a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S.
87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction §
47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at
998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not
include the Attorney General’s restriction -- “the child up to the head.” Its words, "substantial portion," indicate
the contrary.”
[Steinberg v. Carhart, 530 U.S. 914 (2000)]

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

"As a rule, a definition which declares what a term “means” . . . excludes any meaning that is not stated”
[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

YOUR ANSWER: ____Admit ____Deny
29. Admit that the decision to either hold public office or sign a W-4 agreement is a voluntary personal decision that cannot be coerced, and if it is, it becomes invalid and unenforceable at the option of the person so coerced.

"An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.\textsuperscript{117} Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,\textsuperscript{118} and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.\textsuperscript{119} However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.\textsuperscript{120}\" [American Jurisprudence 2d, Duress, §21 (1999)]

YOUR ANSWER: _____Admit _____Deny

30. Admit that a legal proceeding against a “taxpayer” is a proceeding “in rem” against the public office occupied by the “taxpayer”.

In rem. A technical term used to designate proceedings or actions instituted against the thing, in contradistinction to personal actions, which are said to be in personam.

“In rem” proceedings encompass any action brought against person in which essential purpose of suit is to determine title to or to affect interest in specific property located within territory over which court has jurisdiction. ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d. 1379, 1382. It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object the disposition of property, without reference to title of individual claimants; but, in a larger and more general sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of property owned by them, or of some interest therein. Such are cases commenced by attachment against the property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565. In the strict sense of the term, a proceeding “in rem” is one which is taken directly against property or one which is brought to enforce a right in the thing itself.

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

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

YOUR ANSWER: _____Admit _____Deny

31. Admit that completing a government license application or an application for “benefits” creates a “res” that is the subject of the laws that regulate the benefit.

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

---

\textsuperscript{117} Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

\textsuperscript{118} Barnett v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Petty, 121 W.Va. 215, 12 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

\textsuperscript{119} Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or. 416, 20P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

\textsuperscript{120} Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.
also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res," according to the modern civilians, is meant everything that may form an object of rights, in opposition to "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

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