

# ***YOUR EXCLUSIVE RIGHT TO DECLARE OR ESTABLISH YOUR CIVIL STATUS***



*“As independent sovereignty, it is State's province and duty to forbid interference by another state or foreign power with status of its own citizens. Roberts v Roberts (1947) 81 CA.2d. 871, 185 P.2d. 381. “*  
*[Black's Law Dictionary, 4th Ed., p 1300]*

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1 Bish. Mar. & Div. § 16.....	28
1 J. Bouvier, A Law Dictionary Adapted to the Constitution and Laws of the United States of America 318-319 (11th ed. 1866) .....	39
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107 A.L.R. Fed. 21 .....	24
108 A.L.R. Fed. 117 .....	24
109 A.L.R. Fed. 9.....	24
19 Corpus Juris Secundum (C.J.S.) 22, § 24 (2003).....	37
19 Corpus Juris Secundum (C.J.S.), Corporations, §§883-884 (2003).....	35
19 Corpus Juris Secundum (C.J.S.), Corporations, §884 (2003).....	55
19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003).....	21
3 Freeman on Judgments (5th Ed.) 3152.....	37
3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st Am. ed. 1845) .....	39
63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999) .....	55
86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003).....	33
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Civil Causes of Action, Litigation Tool #10.012 .....	60
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Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) .....	18, 59



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Tax Procedure and Tax Fraud, Patricia Morgan, 1999, ISBN 0-314-06586-5.....	44
The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2.....	17
Treatise on the Law of Domicil, M.W. Jacobs, 1887; Little Brown and Company, §29, pp. 38-39 .....	15
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# 1 Introduction

A task that most Americans are frequently asked to engage in is to fill out government forms describing their status under some system of civil law. For instance:

1. They are asked to fill out tax forms describing their status. All tax liability is a civil liability which requires domicile within the forum in order to enforce.
2. They are asked to fill out forms describing their marriage status. Jurisdiction over marriage originates from one's choice of domicile within the forum.
3. They are asked to declare their citizenship status and domicile when they register to vote. The "right" to vote is actually a franchise that springs from one's choice of domicile.
4. They are asked to describe their citizenship status on jury summons forms when they report for jury service. Jury service is also a derivative franchise that originates from one's choice of domicile within the state in which one is acting as a juror.
5. If they file a lawsuit against someone in court, they are expected to disclose their status and standing to entertain the suit in the civil complaint. Even if they have the right status, if they don't describe it properly in their complaint, their lawsuit may be dismissed.
6. When they fill out an application for a government benefit, they are required usually to declare that they are a "citizen" or "resident" of the civil laws of the government offering the benefit. What both of these two statuses have in common is that they require you to have a domicile within the forum. This is true, for instance, in the case of Social Security. 20 C.F.R. §422.104 requires that you MUST be a "citizen" or "permanent resident", both of whom have in common a domicile on federal territory that is no part of any state of the Union.

What all of the above occasions have in common is that they:

1. Relate to the CIVIL STATUTORY status of the applicant.
2. Cannot and do not prescribe or impute any lawful civil status to a nonresident but only to those domiciled within the jurisdiction of the specific government that created the form.
3. Require a statement under penalty of perjury before a government official.
4. Constitute testimony of a witness.
5. Often constitute an act of political association that is protected by the First Amendment prohibition against compelled association.
6. Are an exercise of your sovereignty in declaring the status most desirable and advantageous to you.
7. Are often also an exercise of your right to contract. When you sign up for a benefit or a franchise such as Social Security, you are signing a contract because all franchises are contracts between the grantor and the grantee:

*As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>1</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.<sup>2</sup>*  
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

This document will prove that you have an unalienable right in declaring your civil AND statutory status:

1. To not to be coerced or intimidated or subject to duress in any way in connection with a failure to adopt a specific status.
2. To invalidate and render inadmissible anything you signed in the presence of duress when it was signed under penalty of perjury.
3. To not be called "frivolous" or be over-ruled by any judge or jury for refusing to adopt a specific status.

<sup>1</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

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

4. To define the meaning of all words appearing on government forms, regardless of how the government defines them.
5. To demand proof of consent to any status that the government seeks to enforce against you.
6. To contest and prosecute as unconstitutional the alienation of any constitutional right if you are standing on land protected by the Constitution. That unconstitutional alienation usually occurs by offering or enforcing federal franchises within a constitutional state of the Union.
7. If you are completing a government form that creates any rights on behalf of any government, you have a right to:
  - 7.1. Not to be compelled to contract or not to contract.
  - 7.2. Make your consent contingent on a specific prerequisite.
  - 7.3. Expect MUTUAL obligations on the part of both you and the grantor of the benefit.

## **2 Basis for your EXCLUSIVE right to declare and establish your civil status**

The right to declare and establish your civil and statutory status is tied to the legal definition of “property” itself. “Property” as legally defined is that which you EXCLUSIVELY own and control, and can deprive all others of using or benefitting from:

*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. TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.*

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

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

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

Note that YOUR BODY, your labor, and all that you own at least STARTS OUT as exclusively your property, and by EXCLUSIVELY we mean that it is PRIVATE property beyond the civil control or regulation of any government. Only by donating it or some portion of it to a “public use”, “public purpose”, or “public office” can its use be civilly regulated by any government.

*“Every man has a natural right to the fruits of his own labor, is generally admitted; and **no other person can rightfully deprive him of those fruits, and appropriate them against his will...**”  
[*The Antelope*, 23 U.S. 66, 10 Wheat 66, 6 L.Ed. 268 (1825)]*

*“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,<sup>3</sup> falls within this category of interests that the Government cannot take without compensation.”  
[Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

The only time a government can take away your property without compensation in return and without your consent is when you have hurt someone with it, and that deprivation can only occur AFTER the injury, not BEFORE. Any deprivation BEFORE the injury must involve your express consent to donate the property or some interest in the property to a “public use”, “public purpose”, and/or “public office”. These rules were identified by the U.S. Supreme Court as follows:

“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 only way one can rationally disagree with the conclusions of this section is to advocate one of the following positions, all of which corrupt and destroy the notion of private property that is behind any and every great republic:

1. That there is no PRIVATE property and that EVERYTHING is PUBLIC property owned by the government.
2. That the government is the LEGAL owner of EVERYTHING and that they only LOAN it to you.
3. That “taxes” are the “rent” you pay to use GOVERNMENT property. If you don’t pay the taxes, they can take it away from you and thereby EXCLUDE you from using or benefitting from it.

All the above premises are the foundation of socialism, in which the government either completely owns or at least CONTROLS 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]

Lastly, we emphasize that the purpose for which ALL governments are established, is to protect PRIVATE rights and PRIVATE property, according to our Declaration of Independence. Anyone who argues with this section indirectly is advocating that we DO NOT have a “government” as defined by our founding documents:

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

Furthermore, anyone who takes the position that there is no PRIVATE property and that the GOVERNMENT owns EVERYTHING, indirectly must advocate atheism and is a THIEF, because the Bible itself says that GOD owns THE WHOLE EARTH AND THE HEAVENS. Caesar cannot own or even control that which does not belong to him:

<sup>3</sup> See, e. g., *United States v. Pueblo of San Ildefonso*, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975); *United States v. Lutz*, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, “[a]n essential element of individual property is the legal right to exclude others from enjoying it.” *International News Service v. Associated Press*, 248 U.S. 215, 250 (1918) (dissenting opinion).



1 "Behold, the heaven and the heaven of heavens is the LORD's thy God, the earth also, with all that therein is."  
2 [Deuteronomy 10:12-14, Bible, NKJV]

3 "The heavens are Yours, the earth also is Yours; The world and all its fullness, You have founded them."  
4 [Psalm 89:11, Bible, NKJV]

### 5 **3 What do we mean by "civil status"?**

6 The use of the term "status" in this memorandum:

- 7 1. Is associated with the domicile of the party in question. Before one may have any kind of civil status, one must:
  - 8 1.1. CONSENSUALLY have a domicile or residence within the forum or jurisdiction in question.
  - 9 1.2. Have legal evidence of said domicile admissible in court to prove the domicile they claim.
  - 10 1.3. Acquire statutory "citizen" or "resident" status under the civil laws of the place by virtue of choosing a domicile within that place.
- 12 2. Relates exclusively to the civil status of a party under the CIVIL STATUTORY laws of a specific jurisdiction.
  - 13 2.1. Civil statutory laws only pertain to those consensually domiciled within the forum or jurisdiction.
  - 14 2.2. They may not be enforced against non-residents or those not domiciled within the forum or jurisdiction unless the non-resident satisfies the "Minimum Contacts Doctrine" spoken of by the U.S. Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945).
- 17 3. Does NOT relate to the CRIMINAL laws. Criminal laws do not attach to the status of the parties or to their consent in any way. Instead, they attach at the point when a harmful act is committed against a specific party on the territory to which said law attaches.

20 A well-known book on domicile explains the origin of "civil status" as follows:

21 *§ 29. Status.<sup>4</sup> It may be laid down that the status-or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicil. The older jurists, whose opinions are fully collected by Story<sup>5</sup> and Burge<sup>6</sup> maintained, with few exceptions, the principle of the ubiquity of status, conferred by the lex domicilii with little qualification. Lord Westbury, in Udny v. Udny<sup>7</sup> thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of domicil, which is the criterion established by law for the purpose of determining civil status. For it is on this basis. that the personal rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of Ross v. Ross<sup>8</sup> speaking with special reference to capacity to inherit, says: "It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take" certain rights in that other's property, is fixed by the law of the domicil; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."*

33 *But great difficulty in the discussion of this subject has arisen by reason of the loose and varying use of the term status and the want of any clear definition of what is meant by it. Savigny<sup>9</sup> understood it to mean " capacity to have rights and to act;" and this undoubtedly was the sense in which it was understood by the older jurists. In Niboyet v. Niboyet,<sup>10</sup> Brett, L. J., gives this definition: "The status of an individual, used as a legal term, means the legal position of the individual in or with regard to the rest of a community." But whatever may be the definition of the term, or whatever rules applicable to status in general may be looked upon as having received*

<sup>4</sup> On this general subject, see Story, Conf. of L. ch. 4; Burge, For. & Col. L. vol. i ch. 3 et. seq.; Phillimore, Int. L. vol. iv. ch. 17; Westlake, Priv. Int. L. 1st ed. ch. 13; id. 2d ed. ch. 2, 3; Foote, Priv. Int. L. ch. 8; Wharton, Conf. of L. ch. 3; Dicey, Dom. pt. 3, ch. 2; Piggott, For. Judgments, ch. 10; Savigny, System, etc. vol. viii. §§ 362-365 (Guthrie's trans. p. 148 et. seq.); Bar, Int. Priv. und Strafrecht, §§ 42-46 (Gillespie's trans. p. 160 et. seq.); and see particularly the learned and elaborate opinion of Gray, C. J., in Rosa v. Ross, 129 Mass. 243 (given infra, §32, note 2). In these places the reader will find collected almost all of the important authorities upon the subject of status.

<sup>5</sup> Ubi supra.

<sup>6</sup> Ubi supra.

<sup>7</sup> L.R. 1 Sch. App. 441, 457.

<sup>8</sup> 129 Mass. 243, 246.

<sup>9</sup> System, etc. §361 (Guthrie's Trans, p. 139). Bar understands status in the same sense, §44 (Gillespie's trans. p.172). Gray, C. J., in the case above cited, thus distinguishes the two phases of capacity which go to make up status: "The capacity or qualification to inherit or succeed to property, which is an incident of the status or condition, requiring no action to give it effect, is to be distinguished from the capacity or competency to enter into contracts that confer rights upon others. A capacity to take and have differs from a capacity to do and contract; in short, a capacity of holding from a capacity to act." Ross v. Ross, ubi supra.

<sup>10</sup> L. B. 4 P. D. 1, 11.



1 general acceptance, there are certain prominent states or conditions of persons, which have been treated of by  
2 writers and considered by the courts, and these it will be well to examine separately, with a view to ascertain how  
3 far they are affected by domicile.  
4 [Treatise on the Law of Domicil, M.W. Jacobs, 1887; Little Brown and Company, §29, pp. 38-39]

5 Below is an example of the above, from the U.S. Supreme Court. The “status” spoken in this case of is that of being “married”  
6 under the laws of a specific state:

7 “To prevent any misapplication of the views expressed in this opinion, it is proper to observe that we do not mean  
8 to assert, by any thing we have said, that a State may not authorize proceedings to determine the status of one  
9 of its citizens towards a non-resident, which would be binding within the State, though made without service of  
10 process or personal notice to the non-resident. The jurisdiction which every State possesses to determine the  
11 civil status and capacities of all its inhabitants involves authority to prescribe the conditions on which  
12 proceedings affecting them may be commenced and carried on within its territory. The State, for example, has  
13 absolute 735\*735 right to prescribe the conditions upon which the marriage relation between its own citizens  
14 shall be created, and the causes for which it may be dissolved. One of the parties guilty of acts for which, by the  
15 law of the State, a dissolution may be granted, may have removed to a State where no dissolution is permitted.  
16 The complaining party would, therefore, fail if a divorce were sought in the State of the defendant; and if  
17 application could not be made to the tribunals of the complainant's domicile in such case, and proceedings be  
18 there instituted without personal service of process or personal notice to the offending party, the injured citizen  
19 would be without redress. Bish. Marr. and Div., sect. 156.”  
20 [Pennoyer v. Neff, 95 U.S. 714 (1878)]

21 “Domicile” and “Nationality” are distinguished in the following U.S. Supreme Court case:

22 In *Udny v. Udny* (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the  
23 question whether the domicile of the father was in England or in Scotland, he being in either alternative a British  
24 subject. Lord Chancellor Hatherley said: ‘The question of naturalization and of allegiance is distinct from that  
25 of domicile.’ Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by  
26 saying: ‘The law of England, and of almost all civilized countries, ascribes to each individual at his birth two  
27 distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some  
28 particular country, binding him by the tie of natural allegiance, and which may be called his political status;  
29 another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as  
30 such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the  
31 civil status or condition of the individual, and may be quite different from his political status.’ And then, while  
32 maintaining that the civil status is universally governed by the single principle of domicile (*domicilium*), the  
33 criterion established by international law for the purpose of determining civil status, and the basis on which  
34 ‘the personal rights of the party—that is to say, the law which determines his majority or minority, his  
35 marriage, succession, testacy, or intestacy— must depend,’ he yet distinctly recognized that a man’s political  
36 status, his country (*patria*), and his ‘nationality,—that is, natural allegiance,—’ may depend on different laws in  
37 different countries.’ Pages 457, 460. He evidently used the word ‘citizen,’ not as equivalent to ‘subject,’ but rather  
38 to ‘inhabitant’; and had no thought of impeaching the established rule that all persons born under British  
39 dominion are natural-born subjects.  
40 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;  
41 SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]

42 In law, all rights are property. Hence, “civil rights” attach to the CIVIL STATUTORY STATUS of a “person”:

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

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

58 Property embraces everything which is or may be the subject of ownership, whether a legal ownership, or whether  
59 beneficial, or a private ownership. *Davis v. Davis*. TexCiv-App., 495 S.W.2d. 607. 611. Term includes not only

ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v. Kinealy, Mo.*, 389 S.W.2d. 745, 752.

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

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

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

Those who do not have a domicile in a specific municipal jurisdiction are regarded as "non-residents", and hence, they have no "civil status" or "status" under the "civil laws" of the jurisdiction they are non-resident in relation to. An example of this phenomenon is found in Federal Rule of Civil Procedure 17(b), in which jurisdiction is described as follows:

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

A person with no domicile within federal territory, based on the above:

1. Has no capacity to sue or be sued in federal court under the CIVIL statutes of the national government.
2. Has no "status" or "civil status" under any federal civil statute, including:
  - 2.1. "person".
  - 2.2. "individual".
3. Is not a statutory "citizen" under federal law such as 26 U.S.C. §3121(e) and 26 C.F.R. §1.1-1(c), but rather a statutory "non-resident non-person". If they are ALSO a public officer in the national government, they are also a statutory "individual" and "nonresident alien" (26 U.S.C. §7701(b)(1)(B)) in relation to the national government.

An example of a "status" that one not domiciled on federal territory cannot lawfully have is that of statutory "taxpayer" as defined in 26 U.S.C. §7701(a)(14). All tax liability is a CIVIL liability which attaches to a CIVIL statutory status:

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—

(14) Taxpayer

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

1 In a sense then, all civil statutory law acts as the equivalent of a “protection franchise” that you have to consent to before you  
2 become party to. “Privileges” under the protection franchise attach to the status of “citizen”. Those who are non-residents  
3 are not parties to the franchise contract and are not bound by the franchise contract:

4 *There is but one law which, from its nature, needs unanimous consent. This is the social compact; for civil*  
5 *association is the most voluntary of all acts. Every man being born free and his own master, no one, under any*  
6 *pretext whatsoever, can make any man subject without his consent. To decide that the son of a slave is born a*  
7 *slave is to decide that he is not born a man.*

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

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

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

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

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

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

38 There is one last very important point we wish to make. That point is that the civil statutory laws and the domicile they attach  
39 to are not the ONLY method of civilly protecting one’s rights. Some types of civil protection do not require consent of party.  
40 For instance, the U.S. Constitution is an example of a limitation upon government that does NOT require the express consent  
41 of those who are protected by it.

- 42 1. The USA Constitution is a “compact” or contract.
- 43 2. It establishes a public trust, which is an artificial “person” in which:
  - 44 2.1. The corpus of the trust is all public rights and public property.
  - 45 2.2. The trustees of the trust are people working in the government.
  - 46 2.3. All constitutional but not statutory citizens are the “beneficiaries”.
- 47 3. The parties who established this public trust are the States of the Union and the government they created. Individual  
48 human beings are NOT party to it or trustees under it:
- 49 4. The Bill of Rights portion of the constitution attaches to LAND protected by the constitution, and NOT the civil status  
50 of people ON the land:

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

5. The Bill of Rights is a “self-executing” restraint upon all government officers and agents upon all those physically present but not necessarily domiciled on the land it attaches to. Because the rights it covers are “self-executing”, no statutory civil law is needed to give them “the force of law” against any officer of the government in relation to a person physically present upon the

*The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524\*524 between Congress and the Judiciary. The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions. The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, “Congress, and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States.” Flack, *supra*, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal’s threat to the federal balance, it nonetheless attracted the attention of various Members. See Cong. Globe, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, “provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature”); *id.*, at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it “was left entirely for the courts . . . to enforce the privileges and immunities of the citizens”). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. *South Carolina v. Katzenbach*, 383 U.S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [City of Boerne v. Flores, 521 U.S. 507 (1997)]*

Those injured by the actions of the government, whether civilly domiciled there and therefore a “citizen” there OR NOT, are protected by the Bill of Rights and have standing to sue in ANY state or federal court for a violation of that right.

In confirmation of this section, examine the content of 1 U.S.C. §8:

1 U.S. Code § 8 - “Person”, “human being”, “child”, and “individual” as including born-alive infant

(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words “person”, “human being”, “child”, and “individual”, shall include every infant member of the species *homo sapiens* who is born alive at any stage of development.

(b) As used in this section, the term “born alive”, with respect to a member of the species *homo sapiens*, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species *homo sapiens* at any point prior to being “born alive” as defined in this section.

[1 U.S.C. §8, Downloaded 9/13/2014]

## **4 State’s FIRST and MOST IMPORTANT duty is to protect the civil “status” of its own inhabitants**

The reason for establishing all free de jure governments is to protect exclusively PRIVATE rights. The very FIRST step in protecting PRIVATE rights is to:

1. Prevent PRIVATE rights from being involuntarily connected with or converted to PUBLIC rights and franchises by the government.
2. Protect the civil STATUS of PRIVATE human beings. All public rights and franchises attach to a statutory status. The act of imputing a PUBLIC or FRANCHISE status such as a “public officer” or government “employee” or “taxpayer” to anyone against their will therefore constitutes THEFT of PRIVATE property and eminent domain directed at such property if express consent of the affected party was NOT obtained and therefore , the conversion occurred against their will.

Consistent with the above, below are some cites that demonstrate this concept:

1       *"As independent sovereignty, **it is State's province and duty to forbid interference by another state or foreign***  
2       ***power with status of its own citizens.** Roberts v Roberts (1947) 81 CA.2d. 871, 185 P.2d. 381."*  
3       *[Black's Law Dictionary, 4th Ed., p 1300]*

4       *"**It is elementary that each state may determine the status of its own citizens. Milner v. Gatlin [139 Ga. 109, 76***  
5       ***S.E. 860] supra. The law that governs the status of any individual is the law of his legal situs, that is, the law***  
6       ***of his domicile.** Minor, supra [139 Ga.] at page 131 [76 S.E. 860.] At least this jurisdictional fact--dominion*  
7       *over the legal situs must be present before a court can presume to adjudicate a status, and in cases involving the*  
8       *custody of children it is usually essential that their actual situs as well be within the jurisdiction of the court*  
9       *before its decree will be accorded extraterritorial recognition."*  
10      *[Boor v. Boor, 241 Iowa 973, 43 N.W.2d. 155 (Iowa, 1950)]*

11      *"These parties, as man and wife, were domiciled in Pennsylvania. The husband went to Yucatan, Mexico, and*  
12      *there obtained a divorce. The wife never was in Mexico. **The right of the Republic of Mexico to regulate the***  
13      ***status of its own citizens cannot, on any principle of international law, justify the attempt to draw this wife's***  
14      ***domicile to her husband's alleged new abode.**"*  
15      *[Commonwealth v. Neal, 15 D.&C. 430 (Pa. D. & C., 1930)]*

16      It is also important to point out the very ESSENCE of one's sovereignty is, in fact, not only their STATUS, but their absolute  
17      RIGHT to declare and establish what it is.

18      **Sovereignty.** 1) the state or quality of being sovereign 2) **the status, dominion, rule, or power of a sovereign** 3)  
19      supreme and independent political authority 4) a sovereign state or governmental unit.  
20      *[Webster's New World Dictionary, 3rd College Ed.(1988), page 1283]*

21      In fact, we would argue that the right to declare and establish one's civil status is the method by which one exercises their  
22      absolute right to contract and associate, because the product of contracting and associating is the establishment of a particular  
23      status under a civil contract and the civil laws of a specific jurisdiction.

24      Later in section 9, we will show that any attempt to impute a civil status to someone against their will is theft, identity theft,  
25      and eminent domain. We will also describe both administrative and judicial remedies for those who are victimized by such  
26      crimes. Most such criminal activity is, in fact, engaged in MAINLY by corrupted governments across the globe.

## 27      **5 Effect of acting in a representative capacity upon the civil "status" of a party**

28      Another very important consideration is the effect that operating in a representative capacity has on the civil "status" of a  
29      party. This section will thoroughly examine this subject.

30      All "rights" in civil law attach to statutory "persons". Before one can have "rights", they must become a "person" by choosing  
31      a civil domicile within the jurisdiction of the municipality that enacted the civil law which they are enforcing. Statutory  
32      "persons" are of two types:

- 33      1. Human beings called "natural persons".
- 34      2. Artificial "persons" such as corporations, trusts, Limited Liability Companies (LLCs), or estates.

35      Artificial "persons" must be created under the civil laws of a specific jurisdiction. For instance, all states within the United  
36      States of America:

- 37      1. Have statutes regulating the creation of PUBLIC corporations.
- 38      2. Have a specific filing procedure that must be followed in order to be recognized by the state as a corporation and  
39      therefore an artificial "person".
- 40      3. Allow for the issuance of "business licenses" to those entities that are not PUBLIC corporations.
- 41      4. Have an office dedicated to verifying the lawful existence of PUBLIC corporations. Namely, the Secretary of State.
- 42      5. Have an office in the local municipality that verifies the lawful existence of a licensed business that is NOT a PUBLIC  
43      corporation.

44      A trust or corporation may still lawfully be established WITHOUT either licensing or incorporating. This would be done by  
45      recording an "Affidavit of Trust" with the County Recorder. Such an artificial "person" would therefore be regarded as  
46      EXCLUSIVELY PRIVATE and therefore beyond the ability to regulate or directly control by the state or municipality.



This brings us to another important subject. There are TWO types of “persons” under the civil law: PUBLIC persons and PRIVATE persons:

1. PUBLIC persons:

- 1.1. Are statutory creations of the government.
- 1.2. Are subject to regulation, taxation, and control by the government.
- 1.3. Are viewed as a “franchise” of the government subject to excise taxation.

2. PRIVATE persons:

- 2.1. Are exclusively private.
- 2.2. May not lawfully be regulated, taxed, or burdened by the civil laws of a place.

Below is an example of the dividing line between “PUBLIC” and “PRIVATE” persons:

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

The important point to note about the above is that:

1. EXCLUSIVELY private rights and private property are beyond the civil control of government.

*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*  
[Munn. v. Illinois, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

2. By declaring or associating yourself with a domicile within the jurisdiction of a specific government, you:

- 2.1. Select or nominate a specific protector.
- 2.2. Become a “citizen” and a “person” under the civil laws of that place.

3. As a “citizen”, you implicitly consent and covenant to be protected by and therefore “governed” and bound by the civil laws of that place. This produces a waiver of sovereign immunity which also causes a surrender of otherwise EXCLUSIVELY PRIVATE rights.

*“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.”*  
[Munn. v. Illinois, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

All civil societies are run by “compact” and therefore contract and their civil laws “activate” and thereby “acquire the force of law” AGAINST YOU PERSONALLY only by your consent in choosing a civil domicile. The status you voluntarily declare and consent to is how you “contract” with and associate with specific municipal governments for protection.



1 "A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact  
2 by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall  
3 be governed by certain laws for the common good."  
4 [Munn. v. Illinois, 94 U.S. 113 (1876),  
5 SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

6 Note from the above the use of the terms "compacts" and "covenants", which are contracting terms:

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

14 By agreeing to act in representative capacity on behalf of an artificial entity such as a corporation, trust, or LLC, you:

- 15 1. Implicitly consent to all civil statutes associated with the entity you represent.
- 16 2. Implicitly consent to the civil laws associated with the specific place and associated government:
  - 17 2.1. Where the PUBLIC entity such as a corporation was created.
  - 18 2.2. Where the formerly PRIVATE entity was registered or licensed.

19 An example of item 2 above is found in Federal Rule of Civil Procedure 17(b)(2), in which is established the requirement  
20 that all corporations assume the civil domicile of the place where they were originally incorporated and thereby created:

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

23 (b) Capacity to Sue or be Sued.

24 Capacity to sue or be sued is determined as follows:

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

35 An example of the above phenomenon is found in the Corpus Juris Secundum legal encyclopedia:

36 "A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was  
37 created, and of that state or country only."  
38 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]

39 Obviously, the above can only be referring to PUBLIC corporations rather than PRIVATE corporations, because the ability  
40 to regulate EXCLUSIVELY PRIVATE rights is repugnant to the constitution as held by the U.S. Supreme Court.

## 41 **6 Parties with no civil STATUS or therefore "standing"**

42 A person who has no capacity to civilly sue in a civil court is a person with no "status". Federal Rule of Civil Procedure  
43 17(b) describes the criteria one must meet in order to civilly sue, and the main criteria is DOMICILE within the state in  
44 question:

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

47 (b) Capacity to Sue or be Sued.

**Capacity to sue or be sued is determined as follows:**

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

Parties who civilly sue in a federal court and who do not meet the above criteria will have their cases dismissed for lack of "standing" to sue pursuant to Federal Rule of Civil Procedure 12(b)(6).

A party with no civil STATUS and therefore no capacity to civilly sue is referred to as any of the following:

1. "nonresident".
2. "transient foreigner".
3. "stateless person".
4. "in transitu".
5. "transient".
6. "sojourner".
7. "civilly dead".

The main behavior that imputes any of the above statuses to a specific party is a legislatively but not constitutionally foreign domicile. By "foreign domicile" we mean someone with a civil domicile in a state OTHER than the one they are litigating in. For instance:

1. A man domiciled in communist China, if he tried to civilly litigate in courts in California, would be statutory and constitutional alien, nonresident, and transient foreigner in relation to California and those living in California. If he changed his domicile legally to California, he would change to a statutory "resident".
2. A man domiciled in New York, if he tried to civilly litigate in courts in California, would be statutory but not constitutional alien, nonresident, and transient foreigner in relation to California. If he changed his domicile legally to California, he would change to a statutory "citizen" but NOT "resident". The reason he wouldn't be a "resident" is that you must be a constitutional alien to be a "resident".

To say that one is "stateless" is to say that they are NOT domiciled in the state in which the court they are litigating is found. Here is proof from the U.S. Supreme Court:

*Petitioner Newman-Green, Inc., an Illinois corporation, brought this state law contract action in District Court against a Venezuelan corporation, four Venezuelan citizens, and William L. Bettison, a United States citizen domiciled in Caracas, Venezuela. Newman-Green's complaint alleged that the Venezuelan corporation had breached a licensing agreement, and that the individual defendants, joint and several guarantors of royalty payments due under the agreement, owed money to Newman-Green. Several years of discovery and pretrial motions followed. The District Court ultimately granted partial summary judgment for the guarantors and partial summary judgment for Newman-Green. 590 F.Supp. 1083 (ND Ill.1984). Only Newman-Green appealed.*

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

*When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. Strawbridge v. Curtiss, 3 Cranch 267 (1806).[1] Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship*

destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.{2}

[[Newman-Green v. Alfonso Larrain](#), 490 U.S. 826 (1989)]

Below is an authority from a federal appellate court recognizing that constitutional aliens cannot sue each other in a state where neither one of them is domiciled. The implication is that they have no “status” and therefore “standing” to sue within the forum:

The search for a constitutional basis for a § 1330 suit between two aliens brings us first, but only briefly, to Article III's diversity grant. It provides, *inter alia*, that the judicial power shall extend to "Controversies between a State, the Citizens thereof, and foreign States, Citizens or Subjects." The phrase nowhere mentions a case between two aliens. Accordingly, Congress is powerless to confer jurisdiction over such suits, at least on the basis of the diversity grant, 16 *Hodgson v. Bowerbank*, *supra*, 9 U.S. at 303, 3 *L.Ed. 108*; *Montalet v. Murray*, 8 U.S. (4 Cranch) 46, 2 *L.Ed. 545* (1807),<sup>17</sup> and *Verlinden* must look elsewhere in Article III for language to support its suit.

The clearest statement of the Framers' intent concerning Article III of the Constitution comes from Alexander Hamilton, a delegate from New York. In *The Federalist*, No. 83, Hamilton wrote:

The judicial authority of the federal judicatures is declared by the Constitution to comprehend certain cases particularly specified. The expression of those cases marks the precise limits, beyond which the federal courts cannot extend their jurisdiction, because the objects of their cognizance being enumerated, the specification would be nugatory if it did not exclude all ideas of more extensive authority.

A. Hamilton, *The Federalist*, No. 83, at 519 (Putnam ed. 1888). In other words, the Framers emphatically did not intend to grant the legislature power to create jurisdiction over any cases Congress chose. Congressional prerogative in this area is circumscribed.

“The first test of that Congressional power grew out of the Judiciary Act of 1789, ch. 20, 1 Stat. 73 (1789). In § 11 of that Act, Congress purported to confer on the district court's jurisdiction over any case "where an alien is a party." In *Mossman v. Higginson*, 4 U.S. (4 Dall.) 12, 1 *L.Ed. 720* (1800), however, the Supreme Court found that the judicial power did not extend to a suit between two aliens, even where the statute conferred it. 22 Accord, *Hodgson v. Bowerbank*, *supra*. The Court in *Mossman* discussed the diversity clause of Article III, and found jurisdiction lacking for the reason set forth in section III-A, *supra*. The Court did not discuss, but by its holding passed upon, the "arising under" clause as well. Since judicial power was found wanting in the constitutional sense, the Court necessarily held that a suit brought under § 11 did not "arise under" a law of the United States for purposes of Article III. That is, the Supreme Court in *Mossman v. Higginson* decided that, despite a federal interest in suits involving aliens,<sup>23</sup> Congress by the mere act of passing a statute conferring jurisdiction over a class of suits did not bring those suits within the judicial power. The reason is clear: to allow Congress to do so places no limits on the judicial power at all, and a *sine qua non* of constitutional analysis instructs that this power is limited.

[*Verlinden B. V. v. Central Bank of Nigeria*, 647 F.2d. 320 (C.A.2 (N.Y.), 1981)]

## **7 Relationship of Status to First Amendment Right of Free Association**

Your right to declare your civil status is an extension of your right of free association and freedom from compelled association protected by the First Amendment to the United States Constitution.

### **7.1 American Jurisprudence 2d**

By declaring your status, for instance, as a “citizen”, “resident”, “taxpayer”, etc., you are exercising your right to associate politically with a group called a “state”.

1 “The right to associate or not to associate with others solely on the basis of individual choice, not being absolute,  
2 may conflict with a societal interest in requiring one to associate with others, or to prohibit one from  
3 associating with others, in order to accomplish what the state deems to be the common good. The Supreme Court,  
4 though rarely called upon to examine this aspect of the right to freedom of association, has nevertheless  
5 established certain basic rules which will cover many situations involving forced or prohibited associations.  
6 Thus, where a sufficiently compelling state interest, outside the political spectrum, can be accomplished only by  
7 requiring individuals to associate together for the common good, then such forced association is constitutional.  
8 <sup>12</sup> But the Supreme Court has made it clear that compelling an individual to become a member of an  
9 organization with political aspects [such as a state or municipality], or compelling an individual to become a  
10 member of an organization which financially supports [through payment of taxes], in more than an  
11 insignificant way, political personages or goals which the individual does not wish to support, is an  
12 infringement of the individual's constitutional right to freedom of association. <sup>13</sup> The First Amendment  
13 prevents the government, except in the most compelling circumstances, from wielding its power to interfere  
14 with its employees' freedom to believe and associate, or to not believe and not associate; it is not merely a  
15 tenure provision that protects public employees from actual or constructive discharge. <sup>14</sup> Thus, First  
16 Amendment principles prohibit a state from compelling any individual to associate with a political party, as a  
17 condition of retaining public employment. <sup>15</sup> The First Amendment protects nonpolicymaking public employees  
18 from discrimination based on their political beliefs or affiliation. <sup>16</sup> But the First Amendment protects the right  
19 of political party members to advocate that a specific person be elected or appointed to a particular office and  
20 that a specific person be hired to perform a governmental function. <sup>17</sup> In the First Amendment context, the political  
21 patronage exception to the First Amendment protection for public employees is to be construed broadly, so as  
22 presumptively to encompass positions placed by legislature outside of “merit” civil service. Positions specifically  
23 named in relevant federal, state, county, or municipal laws to which discretionary authority with respect to  
24 enforcement of that law or carrying out of some other policy of political concern is granted, such as a secretary  
25 of state given statutory authority over various state corporation law practices, fall within the political patronage  
26 exception to First Amendment protection of public employees. <sup>18</sup> However, a supposed interest in ensuring

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<sup>11</sup> § 539.

<sup>12</sup> Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed.2d. 1191 (1961), reh'g denied, 368 U.S. 871, 82 S.Ct. 23, 7 L.Ed.2d. 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S.Ct. 1044, 100 L.Ed. 1494 (1956) and reh'g denied, 352 U.S. 859, 77 S.Ct. 22, 1 L.Ed.2d. 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

The First Amendment right to freedom of association of teachers was not violated by enforcement of a rule that white teachers whose children did not attend public schools would not be rehired. Cook v. Hudson, 511 F.2d 744, 9 Empl. Prac. Dec. (CCH) ¶ 10134 (5th Cir. 1975), reh'g denied, 515 F.2d 762 (5th Cir. 1975) and cert. granted, 424 U.S. 941, 96 S.Ct. 1408, 47 L.Ed.2d. 347 (1976) and cert. dismissed, 429 U.S. 165, 97 S.Ct. 543, 50 L.Ed.2d. 373, 12 Empl. Prac. Dec. (CCH) ¶ 11246 (1976).

Annotation: Supreme Court's views regarding Federal Constitution's First Amendment right of association as applied to elections and other political activities, 116 L.Ed.2d. 997, § 10.

<sup>13</sup> Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) (conditioning public employment hiring decisions on political belief and association violates the First Amendment rights of applicants in the absence of some vital governmental interest).

<sup>14</sup> Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990).

Annotation: Public employee's right of free speech under Federal Constitution's First Amendment—Supreme Court cases, 97 L.Ed.2d. 903.

First Amendment protection for law enforcement employees subjected to discharge, transfer, or discipline because of speech, 109 A.L.R. Fed. 9.

First Amendment protection for judges or government attorneys subjected to discharge, transfer, or discipline because of speech, 108 A.L.R. Fed. 117.

First Amendment protection for public hospital or health employees subjected to discharge, transfer, or discipline because of speech, 107 A.L.R. Fed. 21.

First Amendment protection for publicly employed firefighters subjected to discharge, transfer, or discipline because of speech, 106 A.L.R. Fed. 396.

<sup>15</sup> Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261, 95 L.R.R.M. (BNA) 2411, 81 Lab. Cas. (CCH) ¶ 55041 (1977), reh'g denied, 433 U.S. 915, 97 S.Ct. 2989, 53 L.Ed.2d. 1102 (1977); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>16</sup> LaRou v. Ridlon, 98 F.3d. 659 (1st Cir. 1996); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>17</sup> Vickery v. Jones, 100 F.3d. 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed.2d. 701 (U.S. 1997).

Responsibilities of the position of director of a municipality's office of federal programs resembled those of a policymaker, privy to confidential information, a communicator, or some other office holder whose function was such that party affiliation was an equally important requirement for continued tenure. Ortiz-Pinero v. Rivera-Arroyo, 84 F.3d. 7 (1st Cir. 1996).

<sup>18</sup> McCloud v. Testa, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 Fed.App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

Law Reviews: Stokes, When Freedoms Conflict: Party Discipline and the First Amendment. 11 JL & Pol 751, Fall, 1995.

effective government and efficient government employees, political affiliation or loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that require a particular party affiliation.<sup>19</sup>“  
[American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999)]

Any of the following is an interference with your protected right of political affiliation:

1. Disregard evidence of your choice of domicile and “permanent address” on a government form.
2. Disregard your choice of which state or municipality you choose to be called a “citizen” or “resident” of.
3. Deciding over your objections that you are a member of a state or municipality called a “citizen” or a “resident” that you do not want to associate with, be protected by, or subsidize.

For more on the above, see:

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

## **7.2 First Amendment Law in a Nutshell, West Group, pp. 266-267**

The First Amendment Law in a Nutshell book confirms that freedom from compelled association is a crucial part of freedom of expression.

*Just as there is freedom to speak, to associate, and to believe, so also there is freedom not to speak, associate, or believe. “The right to speak and the right to refrain from speaking [on a government tax return, and in violation of the Fifth Amendment when coerced, for instance] are complementary components of the broader concept of ‘individual freedom of mind.’” Wooley v. Maynard, [430 U.S. 703] (1977). Freedom of conscience dictates that no individual may be forced to espouse ideological causes with which he disagrees:*

*“[A]t the heart of the First Amendment is the notion that the individual should be free to believe as he will, and that in a free society one’s beliefs should be shaped by his mind and by his conscience rather than coerced by the State [through illegal enforcement of the revenue laws].” Abood v. Detroit Board of Education [431 U.S. 209] (1977)*

***Freedom from compelled association is a vital component of freedom of expression.** Indeed, freedom from compelled association illustrates the significance of the liberty or personal autonomy model of the First Amendment. **As a general constitutional principle, it is for the individual and not for the state to choose one’s associations and to define the persona which he holds out to the world.***  
[First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

Notice the key phrase above about your right to declare your status, in which the word “persona” is synonymous with “status”:

***“As a general constitutional principle, it is for the individual and not for the state to choose one’s associations and to define the persona which he holds out to the world.”***

## **8 Authorities on the Exclusive Right to Declare One’s Civil Status**

### **8.1 Corrigan v. Secretary of the Army, 211 F.2d. 293 (1954)**

The following case deals with the military draft. Those who are drafted must undergo “induction” in order to change their status from civil to military. The point at which that status change becomes effective is when they CONSENT to it by voluntarily undergoing a ceremony and thereby consent to change their status. That ceremony can and usually is either an act of stepping over a physical line or taking an oath, both of which are voluntary acts. Without these outward manifestations

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Pave, Public Employees and the First Amendment Petition Clause: Protecting the Rights of Citizen-Employees Who File Legitimate Grievances and Lawsuits Against Their Government Employers. 90 N.W. U LR 304, Fall, 1995.

Singer, Conduct and Belief: Public Employees’ First Amendment Rights to Free Expression and Political Affiliation. 59 U Chi LR 897, Spring, 1992.

As to political patronage jobs, see § 472.

<sup>19</sup> Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).



of consent to voluntarily change one's status from civilian to military, those drafted are presumed to retain their civilian status and not be under military jurisdiction.

Laughlin E. Waters, U.S. Atty., Max F. Deutz, Asst. U.S. Atty., and Clyde C. Downing, Asst. U.S. Atty., Los Angeles, Cal., for appellees.

Before STEPHENS, BONE, and POPE, Circuit Judges.

STEPHENS, Circuit Judge.

Ronald J. Corrigan, Hereinafter called 'petitioner', upon relation of his mother, through a petition for the issuance of the writ of habeas corpus, seeks his release from restraint of the United States Army officers who hold him as a member of the United States Armed Services. A hearing was had on the petition, the return thereto and an order to show cause pursuant to stipulation that the return should be considered as a traverse and that the proceedings should have the same force and effect that the issuance of the writ would have had, had it issued and had the hearing been held thereon. However, petitioner was present throughout the proceedings. The court declined to order petitioner's release and instead dismissed the petition. Petitioner appealed.

The issue of fact is whether petitioner was ever inducted into the Service.

On the 15th day of April, 1953, petitioner, having been regularly processed through the Selective Service law, 50 U.S.C.A. Appendix, §451 et seq., and declared a Selectee with the A-1 classification, was, with about fifty Selectees, taken to a room around 9:00 A.M. where he was given physical and psychological examinations and near the middle of the day, the fifty Selectees were directed to take places in folding chairs which had been placed out in the room. The chairs occupied a space about twelve by eighteen feet in rows twelve inches apart with a center aisle the width of a chair. Petitioner was in the rear row.

Captain Earl S. Beydler entered the room and gave them a short orientation talk and then addressed them as follows: **'You are about to be inducted into the Armed Services of the United States. In just a moment I will ask you to stand and I will call off each of your names. As I call your name I want you to answer 'present' and to take one step forward. The step forward will constitute your induction into the Armed Services \*295 of the United States-into the Army.'**<sup>FN1</sup> The call was completed and the men were given the accustomed oath. **Petitioner claims that he did not take a step forward nor did he raise his hand and take the oath. However, he made no protest at the time of the ceremony.**

It is not contended that either the step forward or the taking or giving of the oath is required by the Selective Service Act as necessary to induction. As said in [Billings v. Truesdell, 1944, 321 U.S. 542, 559, 64 S.Ct. 737, 746, 88 L.Ed. 917](#): 'a selectee becomes 'actually inducted' within the meaning of § 11 of the Act <sup>FN2</sup> when in obedience to the order of his board and after the Army has found him acceptable for service he undergoes whatever ceremony or requirements of admission the War Department has prescribed.' **Therefore, since the selectee is subject to civil authority until the moment of completion of the induction, at which moment he becomes subject to military authority, it is highly important that such moment should be marked with certainty.** See [Billings v. Truesdell, 1944, 321 U.S. 542, 64 S.Ct. 737, 88 L.Ed. 917](#).

For a time the [voluntary] oath marked the dividing line between the civilian and military status, but difficulties and uncertainties arose as to whether, in fact, the selectee had taken the oath. See our opinion in [Lawrence v. Yost, 9 Cir., 1946, en banc, 157 F.2d. 44](#). Thereafter, the regulation (Army Special Regulation No. 615-180-1, paragraph 23), providing for the step forward, was promulgated.

**[1] However, one may emerge from a selectee to a soldier without taking the step forward; that is, by conduct consistent with the soldier status; <sup>FN3</sup> but the fact of the step forward, whether or not it was taken, is of high importance in this case.** As to that issue of fact, it is claimed by petitioner that it was impossible for the men, other than those in the front row, to step forward and the physical set-up and the testimony practically demonstrate the truth of the claim. The inducting Captain testified in answer to a question as to space, 'There is space, not much.' 'Q. You mean he could shuffle? A. Correct.'

**At no time does the inducting Captain claim that he saw petitioner take the step forward.** As to the procedure, he testified on direct examination that when he calls a name at induction ceremonies, 'I wait for a response, \* \* \* or if they are near the front of the room where I can see them, I see if they step forward.' Afterward, he would call the next name. 'Q. Did you at any time look to see if a man had taken a step forward? A. I look up each time I call a name. Q. What do you look for when you look up? A. **For movement, for a man stepping forward.** \* \* \* Q. On that day did you see any man fail to step forward after his name was called by you? A. No.' On re-cross-examination, Captain Beydler was asked, 'Can you tell us that you recall whether or not you saw this petitioner move forward on April 15- after you called his name?' The Captain answered, 'No, I cannot.'

Petitioner testified that his mother and grandmother belonged to Jehovah's Witnesses; on re-cross-examination petitioner was asked, 'Were you a member of the enlisted reserves in the Army of the United States?' To which he replied in the affirmative. The record does not reveal how long or under what circumstances he was in such



1 service. On \*296 cross-examination, petitioner was asked, 'When did you become a conscientious objector?'  
2 Petitioner answered, 'While sitting in the room. I just thought. The material together, I would say, filled my  
3 mind, and this is one thing I wanted to do. \*\*\* Q. When your name was called did you take a step forward?  
4 A. No.' He also testified that some of the selectees shuffled their feet or didn't move when their names were  
5 called.

6 Petitioner on cross-examination was asked, 'When was the first time that you advised anybody in the Army that  
7 you were a conscientious objector? \* \* \* A. After the ceremony. The Court: What do you mean 'after the  
8 ceremony'? The Witness: Well, after the ceremony was over, I thought- well, there isn't much use in making a  
9 scene, and I just walked outside and told the Captain in charge. \*\*\* I told him I did not take (the) oath or  
10 step forward. \*\*\* He says, 'No. You are in the Army.' \* \* \* Q. Isn't it a fact that when you saw Captain  
11 Beydler, after leaving the induction room that you told him you had changed your mind, that you were now a  
12 conscientious objector? A. I didn't say 'I changed my mind', No, sir. \*\*\* I said 'I am'.

13 Sergeant Frias, the chief coordinator at the induction station, testified that petitioner approached him on the  
14 floor of the induction room saying he was a conscientious objector. The Sergeant asked him if he had just been  
15 inducted and he answered 'Yes', to which the Sergeant responded, 'I said, 'It is too late. I can't do anything for  
16 you'.'

17 After that, according to petitioner's testimony, he made three telephone calls and then told a Sergeant, 'I am  
18 going home'. Petitioner further testified, 'I had some friends and I went over to see and talked with them. \* \* \* I  
19 went over to another friend's and stayed all night. \* \* \* I stayed another day and then I went on home.'

20 Petitioner did not respond to the call to board the bus for the railroad station the next morning, whereupon he  
21 was noted as an 'absentee'. Petitioner was forceably taken from his home by military personnel, put in the Post  
22 stockade at Camp Irwin, and then transported to Camp Roberts a few weeks thereafter. The court asked the  
23 witness, 'Have you been with that training company (at Camp Roberts) since? The Witness: No. That was a  
24 Thursday, and then Friday morning they took me to the orderly room and to the company commander and I  
25 refused the company commander's suggestion that I submit to training). \* \* \* That was about 5:10. I went back  
26 to the M.P. lock-up at Camp Roberts. I stayed there until Sunday morning. Sunday morning- The Court:  
27 Yesterday? The Witness: Yes, yesterday at 10:45. And then I stayed at this M.P. lock-up Sunday and then here  
28 today. \* \* \* The Court: Did you ever tell the Colonel that, as long as you did not have to bear arms, you would  
29 be willing to undergo training? A. I told him I would not accept any training.'

30 [2] [3] We are of the opinion that the unnecessarily crowded set-up in the induction room made it physically  
31 impossible for the inducing officer to have seen whether petitioner took the step forward and that it was in fact  
32 impossible for petitioner to take a step forward. Therefore, we think, the court's finding on this factual issue was  
33 in error. The evidence reveals no act after the induction ceremonies from which it could be found that petitioner  
34 had in fact acquiesced in induction, FN4 but on the contrary his conduct is entirely consistent with his claim that  
35 he did not submit to induction, and is not consistent with any theory of acquiescence. However, the court made  
36 no finding on the subject of acquiescence.

37 [4] We hold that the evidence does not support the conclusion of the trial court that petitioner was inducted  
38 into the Armed Services of the United States. \*297 The judgment is reversed and remanded with instructions  
39 to order petitioner's release from the custody of the Army officers.

40 Reversed and remanded.

41 FN1. The quotation is from the affidavit of Captain Earl S. Beydler which was attached to the return and made  
42 a part thereof. The affidavit was stipulated as the Captain's evidence in chief. The procedure followed by the  
43 Captain was exactly in accord with Army Special Regulations 615-180-1, paragraph 23, issued by the  
44 Department of the Army April 10, 1953.

45 FN2. Selective Training and Service Act of 1940, 54 Stat. 894, 50 U.S.C.A.Appendix, § 311; now 50  
46 U.S.C.A.App. § 462, Selective Service Act of 1948, 62 Stat. 604, 622.

47 FN3. Mayborn v. Heflebower, 5 Cir., 1945, 145 F.2d. 864; Sanford v. Callan, 5 Cir., 1945, 148 F.2d. 376; cf.  
48 Cox v. Wedemeyer, 9 Cir., 1951, 192 F.2d. 920, 923-924.

49 FN4. See footnote 3, supra.

50 [Corrigan v. Secretary of the Army, 211 F.2d. 293 (1954)  
51 <http://famguardian.org/Subjects/Military/Draft/CorriganVSecretaryOfArmy-211-F.2d-293-1954.pdf>]

52 For further information on the above, please also read Billings v. Truesdell, 321 U.S. 542, 64 S.Ct. 737, U.S. (1944).

## 8.2 People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. 1898.

At the time, then, of the Texas proceeding, both mother and child were domiciled in the state of New York, and it was beyond the power of the Texas court to regulate the relations between them. The relation of parent and child is a civil status. 1 Bish. Mar. & Div. § 16. "It is plain that every state has the right to determine the status or domestic or social condition of persons domiciled within its territory." Hunt v. Hunt, 72 N. Y. 217, 227; Strader v. Graham, 10 How. 82. "Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern. The parties cannot consent to the change of status, and the judgment is not binding in a third country." Black, Jur. § 77. When the Texas proceeding was instituted the respondent and her child were transiently in that state, upon a temporary occasion, and with the intention of returning to their domicile in New York. "Though a state may have a right to declare the condition of all persons within her limits, the right only exists while that person remains there. She has not the power of giving a condition or status that will adhere to the person everywhere, but upon his return to his place of domicile he will occupy his former position." Maria v. Kirby, 12 B.Mon. 542, 545,- a case in which the decision is an adjudication of the precise point in controversy.

It results, therefore, that the Texas decree is of no effect in this state upon the right of the respondent to the custody of the child. The validity of that decree is further impugned for fatal irregularities in the proceeding, but, its futility as an estoppel being already apparent, the discussion need not be prolonged.

The writ is dismissed, and, as the respondent's fitness for the care and control of the child is not questioned, it is remanded to her custody.  
[People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. (1898)]

We can learn a lot from the above case:

1. Choosing a domicile is what makes you into a "subject" rather than a sovereign. In that sense, it causes a surrender of sovereign immunity:

"Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern."

2. The right to make determinations about or changes in the civil status of someone originates from one's voluntary choice of domicile. See the above.
  - 2.1. That authority is delegated to a specific government by your choice of domicile.

"It is plain that every state has the right to determine the status or domestic or social condition of persons domiciled within its territory." Hunt v. Hunt, 72 N. Y. 217, 227; Strader v. Graham, 10 How. 82. "Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern. The parties cannot consent to the change of status, and the judgment is not binding in a third country." Black, Jur. § 77. When the Texas proceeding was instituted the respondent and her child were transiently in that state, upon a temporary occasion, and with the intention of returning to their domicile in New York. "Though a state may have a right to declare the condition of all persons within her limits, the right only exists while that person remains there. She has not the power of giving a condition or status that will adhere to the person everywhere, but upon his return to his place of domicile he will occupy his former position." Maria v. Kirby, 12 B.Mon. 542, 545,- a case in which the decision is an adjudication of the precise point in controversy.

- 2.2. The authority of the government is delegated by we the people.
  - 2.3. If you never delegate the authority to make declarations of status by choosing a domicile within any government, then you MUST have reserve it to yourself.
3. What makes a state or government "foreign" is the fact that you don't have a domicile within their jurisdiction. It is an intrusion into your sovereignty for a foreign state to determine your civil status.

"Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern."

4. When you are physically in a state or jurisdiction other than the one in which you are domiciled, the status declaration is nonbinding on the foreign jurisdiction that you are in.

### 8.3 U. S. v. Grimley, 137 U.S. 147, 11 S.Ct. 54, U.S. (1890)

This case describes how:

1. Consent conveyed in the making contracts works a change in one's status.
2. No misrepresentation can undo the change in status made by the giving of consent unless the party injured by the misrepresentation takes advantage of it.
3. Changes in status include marriage and enlistment in the military, which can only be undone by the consent of BOTH parties.

Grimly enlisted in the armed services and made a deliberate misrepresentation in the application and then tried to undo the contract using the misrepresentation. The party injured by the misrepresentation was the government, but because they did not take advantage of the misrepresentation to undo the contract, then Grimly couldn't either and had to honor the change in status. Grimly therefore was not able to undo the contract and had to do time in prison for desertion.

*This case involves a matter of contractual relation between the parties; and the law of contracts, as applicable thereto, is worthy of notice. The government, as contracting party, offers contract and service. Grimley accepts such contract, declaring that he possesses all the qualifications prescribed in the government's offer. The contract is duly signed. Grimley has made an untrue statement in regard to his qualifications.\*151 The government makes no objection because of the untruth. The qualification is one for the benefit of the government, one of the contracting parties. Who can take advantage of Grimley's lack of qualification? Obviously only the party for whose benefit it was inserted. Such is the ordinary law of contracts. Suppose A., an individual, were to offer to enter into contract with persons of Anglo-Saxon descent, and B., representing that he is such descent, accepts the offer and enters into contract; can he thereafter, A. making no objection, repudiate the contract on the ground that he is not of Anglo-Saxon descent? A. has prescribed the terms. He contracts with B. upon the strength of his representations that he comes within those terms. Can B. thereafter plead his disability in avoidance of the contract? On the other hand, suppose for any reason it could be contended that the proviso as to age was for the benefit of the party enlisting, is Grimley in any better position? The matter of age is merely incidental, and not of the substance of the contract. And can a party by false representations as to such incidental matter obtain a contract, and thereafter disown and repudiate its obligations \*\*55 on the simple ground that the fact in reference to this incidental matter was contrary to his representations? May he utter a falsehood to acquire a contract, and plead the truth to avoid it, when the matter in respect to which the falsehood is stated is for his benefit? It must be noted here that in the present contract is involved no matter of duress, imposition, ignorance, or intoxication. Grimley was sober, and of his own volition went to the recruiting office and enlisted. There was no compulsion, no solicitation, no misrepresentation. A man of mature years, he entered freely into the contract. But in this transaction something more is involved than the making of a contract, whose breach exposes to an action for damages. Enlistment is a contract, but it is one of those contracts which changes the status, and where that is changed, no breach of the contract destroys the new status or relieves from the obligations which its existence imposes. Marriage is a contract; but it is one which creates a status. Its contract \*152 obligations are mutual faithfulness; but a breach of those obligations does not destroy the status or change the relation of the parties to each other. The parties remain husband and wife no matter what their conduct to each other, -no matter how great their disregard of marital obligations. It is true that courts have power, under the statutes of most states, to terminate those contract obligations, and put an end to the marital relations. But this is never done at the instance of the wrong-doer. The injured party, and the injured party alone, can obtain relief and a change of status by judicial action. So, also, a foreigner by naturalization enters into new obligations. More than that, he thereby changes his status; he ceases to be an alien, and becomes a citizen, and, when that change is once accomplished, no disloyalty on his part, no breach of the obligations of citizenship, of itself, destroys his citizenship. In other words, it is a general rule accompanying a change of status, that when once accomplished it is not destroyed by the mere misconduct of one of the parties, and the guilty party cannot plead his own wrong as working a termination and destruction thereof. Especially is he debarred from pleading the existence of facts personal to himself, existing before the change of status, the entrance into new relations, which would have excused him from entering into those relations and making the change, or, if disclosed to the other party, would have led it to decline admission into the relation, or consent to the change. By enlistment the citizen becomes a soldier. His relations to the state and the public are changed. He acquires a new status, with correlative rights and duties; and although he may violate his contract obligations, his status as a soldier is unchanged. He cannot of his own volition throw off the garments he has once put on, nor can he, the state not objecting, renounce his relations and destroy his status on the plea that, if he had disclosed truthfully the facts, the other party, the state, would not have entered into the new relations with him, or permitted him to change his status. Of course these considerations may not apply where there is insanity, idiocy, infancy, or any other disability which, in its nature, disables a \*153 party from changing his status or entering into new relations. But where a party is sui juris, without any disability to enter into the new relations, the rule generally applies as stated. A naturalized citizen would not be permitted, as a defense to a charge of treason, to say that he had acquired his citizenship through perjury, that he had not been a resident of the United States for five years, or within the state or territory where he was naturalized one year, or that he was not a man of good moral character, or that he was not attached to the constitution. No more can an enlisted soldier avoid a charge of desertion, and escape the consequences of such act, by proof that he was over age at the time of enlistment, or that he was not able-bodied, or that he had been convicted of a felony, or that before his enlistment he had been a deserter from the military service of the United States. These are matters which do not inhere in the substance of the*

contract, do not prevent a change of status, do not render the new relations assumed absolutely void; and in the case of a soldier, these considerations become of vast public importance. While our regular army is small compared with those of European nations, yet its vigor and efficiency are equally important. An army is not a deliberative body. It is the executive arm. Its law is that of obedience. No question can be left open as to the right to command in the officer, or the duty of obedience in the soldier. Vigor and efficiency on the part of the officer, and confidence among the soldiers in one another, are impaired if any question be left open as to their attitude to each other. So, unless there be in the nature of things some inherent vice in the existence of the relation, or natural wrong in the manner in which it was established, public policy requires that it should not be disturbed. Now, there is no inherent vice in the military service of a man 40 years of age. The age of 35, as prescribed in the statute, is one of convenience merely. The government has the right to the military service of all its able-bodied citizens; and may, when emergency arises, justly exact that service from all. And if, for its own convenience, and with a view to the selection of the best material, it has fixed the age at 35, it is a matter \*154 which in any given case it may waive; and it does not lie in the mouth of any one above that age on that account alone, to demand release from an obligation voluntarily assumed, and discharge from a service voluntarily entered into. The government, and the government alone, is the party to the transaction that can raise objections on that ground. We conclude, therefore, that the age of the petitioner was no ground for his discharge."

[U. S. v. Grimley, 137 U.S. 147, 11 S.Ct. 54, U.S. (1890)]

#### 8.4 In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)

In this particular case, the litigants sued the government because they were having the liabilities of the status of "taxpayer" enforced against them. In response, the court essentially declared that they had consented to become "taxpayers" subject to the revenue acts by applying for a license. Thus the change in status from "nontaxpayer" to "taxpayer" was a consequence of their own voluntary act, required their consent, and thus could not be challenged by them.

*"And here a thought suggests itself. As the Meadors, subsequently to the passage of this act of July 20, 1868, applied for and obtained from the government a license or permit to deal in manufactured tobacco, snuff and cigars, I am inclined to be of the opinion that they are, by this their own voluntary act, precluded from assailing the constitutionality of this law, or otherwise controverting it. For the granting of a license or permit-the yielding of a particular privilege-and its acceptance by the Meadors, was a contract, in which it was implied that the provisions of the statute which governed, or in any way affected their business, and all other statutes previously passed, which were in pari materia with those provisions, should be recognized and obeyed by them. When the Meadors sought and accepted the privilege, the law was before them. And can they now impugn its constitutionality or refuse to obey its provisions and stipulations, and so exempt themselves from the consequences of their own acts?"*

[In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)]

#### 8.5 United States v. Malinowski, 347 F.Supp. 352 (1992)

The following case establishes that companies accepting withholding forms are not authorized to dishonor whatever the employee puts on the withholding form. They must honor the worker's claim or declaration of status without modification.

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

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

#### 8.6 Roberts v. Roberts, 81 Cal.App.2d 871 (1947)

[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...  
[Roberts v. Roberts, 81 Cal.App.2d 871 [Civ. No. 15818. Second Dist., Div. Two. Oct. 17, 1947]

The above case illustrates that whenever you enter into a licensed transaction or request a license from the government:

1. You are entering into a contract with the government.
2. You consent to be subject to all the statutes that regulate those who hold such licenses.
3. The license creates property interests in both you and the government.
4. The state granting the license only has jurisdiction over the parties to the license so long as one or both are domiciled within the state that granted the license. Another way of saying this is that the grantor of the franchise is only required to recognize the change in status while the parties to the franchise are domiciled within their jurisdiction. Otherwise, the status change is not binding on the grantor of the franchise.

## **9 Civil status in relation to governments**

Next, we will cover how civil statutory status affects the relationships between people and governments. This subject will be covered in the following subsections.

### **9.1 Conditions under which a state-domiciled human can lawfully acquire a civil status under the FOREIGN laws of the national government**

It is very important to understand the circumstances under which you can lawfully acquire a civil statutory status under the laws of a legislatively FOREIGN government, such as the case between a state domiciled human and the national government. This subject is called “EXTRATERRITORIAL JURISDICTION” by the U.S. Department of Justice. We will preface this discussion by saying that the following requirements must be met in order for the separation of powers doctrine and the equal protection clauses of the constitution to NOT be violated:

1. The civil status must be acquired CONSENSUALLY and absent DURESS while the party is physically on federal territory not within any state. Otherwise, they would be alienating an unalienable right, which is not permitted 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]*

2. The rights associated with the civil status may only lawfully be enforced in the courts of the national government as a contract under Article 4, Section 3, Clause 2 of the Constitution.
3. The property or rights to property connected to the status extinguishes at the border between federal territory and state territory.
4. The contract or agreement may not enforce or require any OTHER status under the civil laws of the national government than the one immediately incident to the office it creates. For instance, if it is the public office franchise, it may not enforce the status of “citizen”, “resident”, “driver” or any other type of civil franchise under the laws of the national government. Otherwise:
  - 4.1. The parties entering into such an agreement will have criminal and illegal conflicts of interest that violate the separation of powers and most state constitutions. Most states have laws that prohibit a public officer in the national government from also serving in a public office in the state government.
  - 4.2. The purpose of government will be violated, which is the protection of PRIVATE property and PRIVATE rights. The first step in accomplishing that protection is to prevent the conversion of PRIVATE property to PUBLIC property to the maximum extent possible. If they won’t protect you from their OWN thefts, then you shouldn’t be hiring a government to protect you from other PRIVATE people.
5. If the human contracting with the government is domiciled in a state of the Union at the time of the contract or franchise or its enforcement, then the government must be treated as a PRIVATE party and may not enforce sovereign, official, or judicial immunity in the enforcement and the case must be heard in an Article III court in equity where the judge does not have an economic interest in the outcome. This ensure that due process of law is not violated. If equity is not allowed in court or sovereign immunity is enforced against the government, then the government in essence is

creating an unconstitutional state-sponsored religion in violation of the First Amendment. It is making ITSELF into an entity to be worshipped by YOU by enforcing SUPERIOR or SUPER-NATURAL powers, meaning powers greater than YOU personally have as a natural human. See:

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

Most of the above ought to be common sense. We will now proceed to explain WHY these must be the case.

The main vehicle for creating and enforcing civil statuses within states of the Union is through government franchises. All franchises are implemented with excise taxes. All excises are upon specific activities which are usually licensed. The Constitutional authority for excise taxation is found in Article 1, Section 8, Clause 1 of the United States Constitution:

*United States Constitution  
Article I: Legislative Department  
Section 8.*

*The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;*

The interpretation of the U.S. Supreme Court upon the above provision is that it pertains ONLY to imports coming into the country and to no other type of tax. The “activity” subject to excise taxation is therefore that of IMPORTING goods from foreign countries:

*"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)]

*"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 States, after they formed the Union, continued to have the same range of taxing power which they had before, barring only duties affecting exports, imports, and on tonnage.** 2 Congress, on the other hand, to lay taxes in order 'to pay the Debts and provide for the common Defence and general Welfare of the United States', Art. 1, Sec. 8, U.S.C.A.Const., **can reach every person** and every dollar in the land with due regard to Constitutional limitations as to the method of laying taxes."*  
[*Graves v. People of State of New York*, 306 U.S. 466 (1939)]

The phrase “every person” as used in the last case above relates to:

1. “persons” domiciled on federal territory and licensed to engage in the regulated activity... OR
2. Those lawfully serving as public officers in the NATIONAL and not STATE government.

The term “every person” as used in Graves above does NOT include EVERYONE, or those domiciled in states of the Union.

*The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch.Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park.Crim.Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch. 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]



1 “The canon of construction which teaches that legislation of Congress, unless a contrary intent appears, is meant  
2 to apply only within the territorial jurisdiction of the United States, [Blackmer v. United States, supra, at 437](#), is a  
3 valid approach whereby unexpressed congressional intent may be ascertained. It is based on the assumption that  
4 Congress is primarily concerned with domestic conditions.”  
5 [Foley Brothers, Inc. v. Filardo, 336 U.S. 281 (1949)]

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

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

13 By “territory” above is meant TERRITORIES of the United States and not land subject to the exclusive jurisdiction of a state  
14 of the Union.

15 Corpus Juris Secundum (C.J.S.) Secundum Legal Encyclopedia  
16 Volume 86: Territories  
17 “§1. Definitions, Nature, and Distinctions

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

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

32 **“Territories’ or ‘territory’ as including ‘state’ or ‘states.’ While the term ‘territories of the’ United States may,**  
33 **under certain circumstances, include the states of the Union, as used in the federal Constitution and in**  
34 **ordinary acts of congress “territory” does not include a [foreign state](#).**

35 **“As used in this title, the term ‘territories’ generally refers to the political subdivisions created by congress,**  
36 **and not within the boundaries of any of the several states.”**

37 [86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]

38 Congress can only reach “persons” via civil law by their consent expressed in the following form:

- 39 1. They must choose a civil domicile within exclusive federal jurisdiction on federal territory to be subject to federal civil  
40 law...AND  
41 2. They must apply for a license or run for a public office, both of which are federal franchises. All franchises are  
42 implemented with the civil statutory law of the NATIONAL but not FEDERAL government.

43 Unless and until they have done the above, they are NOT statutory “persons” under federal law and cannot be reached by the  
44 civil law of the national government. The Constitution protects states of the Union and all those domiciled therein by ensuring  
45 that nearly all federal legislation cannot reach beyond federal territory and is therefore legislatively “foreign” and “alien” in  
46 relation to the states. That is why we allege that the word “INTERNAL” within the phrase “INTERNAL Revenue Service”  
47 only relates to activities and offices executed on federal territory by federal officers. However, there are places where the  
48 Constitution does not apply, such as:

- 49 1. In a foreign country.  
50 2. In a territory or possession of the United States. See 4 U.S.C. §110(d).

1 People in any of the above circumstances don't have any rights to protect, but only statutorily granted privileges and  
2 franchises. The U.S. Supreme Court recognized this when it held the following:

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

19 All legitimate governments are established primarily to protect private rights of those who expressly CONSENT to be  
20 protected. However, that protection is only mandated by the Constitution and by law in places where the Constitution applies.  
21 The Constitution, in turn attaches to the land and not to your status as a "person", "citizen", or "resident" (alien). The  
22 Constitution doesn't travel with you wherever you go but instead attaches to the land you are standing on at the moment you  
23 receive an injury to your rights. THAT is why the Constitution calls itself "the law of the land".

24 "There could be no doubt as to the correctness of this conclusion, so far, at least, as it applied to the District of  
25 Columbia. This District had been a part of the states of Maryland and [182 U.S. 244, 261] Virginia. It had been  
26 subject to the Constitution, and was a part of the United States[\*\*\*]. The Constitution had attached to it  
27 irrevocably. There are steps which can never be taken backward. The tie that bound the states of Maryland  
28 and Virginia to the Constitution could not be dissolved, without at least the consent of the Federal and state  
29 governments to a formal separation. The mere cession of the District of Columbia to the Federal government  
30 relinquished the authority of the states, but it did not take it out of the United States or from under the aegis of  
31 the Constitution. Neither party had ever consented to that construction of the cession. If, before the District  
32 was set off, Congress had passed an unconstitutional act affecting its inhabitants, it would have been void. If  
33 done after the District was created, it would have been equally void; in other words, Congress could not do  
34 indirectly, by carving out the District, what it could not do directly. The District still remained a part of the United  
35 States, protected by the Constitution. Indeed, it would have been a fanciful construction to hold that territory  
36 which had been once a part of the United States ceased to be such by being ceded directly to the Federal  
37 government."  
38 [Downes v. Bidwell, 182 U.S. 244 (1901)]

39 Former President William Howard Taft, the person most responsible for the introduction and ratification of the Sixteenth  
40 Amendment, understood these concepts well when he made the following ruling as a U.S. Supreme Court Chief Justice after  
41 leaving the office of President:

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

45 The Constitution protects your rights by making them "unalienable" in relation to the government. The Declaration of  
46 Independence declares that these rights are "unalienable".

47 "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator  
48 with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
49 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
50 --"  
51 [Declaration of Independence]

52 Below is the definition of "unalienable":

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

1 The implication of the above is that it is ILLEGAL for you to bargain away any of your constitutional rights to a real, de jure  
2 government through any commercial process. Franchises are a commercial process that exchange rights for privileges.  
3 Therefore, franchises cannot lawfully be offered within states of the Union without violating organic/fundamental law and  
4 may only be offered where rights do not exist within the meaning of the Constitution, which is federal territory or a foreign  
5 country.

6 Let's examine this restriction even further. The Constitution requires that the federal government must protect the states of  
7 the Union from invasion by "foreigners".

8 *United States Constitution*  
9 *Article IV: States Relations, Section 4.*

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

13 Well, guess what? The District of Columbia is "foreign" for the purposes of legislative jurisdiction with respect to people  
14 domiciled in states of the Union.

15 *"The United States government is a foreign corporation with respect to a state."*  
16 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §§883-884 (2003);*  
17 *SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/UnitedStates-19CJS883to884.pdf>]*

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

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

27 *Foreign Laws: "The laws of a foreign country or sister state."*  
28 *[Black's Law Dictionary, Sixth Edition, p. 647]*

29 Certainly, any attempt by the general government to offer franchises that destroy, regulate, and tax rights protected by the  
30 Constitution within legislatively "foreign" states of the Union would constitute an "invasion" within the meaning of Article  
31 4, Section 4 of the Constitution and an unconstitutional act of Treason. Our Bible dictionary says on the subject of "taxes"  
32 that they constitute an act of war against a hostile state, in fact. In older times, "taxes" were called "tribute". Nearly all such  
33 "taxes" and "tribute" are collected as franchise taxes:

34 **"TRIBUTE.** Tribute in the sense of an impost paid by one state to another, as a mark of subjugation, is a common  
35 feature of international relationships in the biblical world. The tributary could be either a hostile state or an ally.  
36 Like deportation, **its purpose was to weaken a hostile state, Deportation aimed at depleting the man-power. The**  
37 **aim of tribute was probably twofold: to impoverish the subjugated state and at the same time to increase the**  
38 **conqueror's own revenues** and to acquire commodities in short supply in his own country. As an instrument of  
39 administration it was one of the simplest ever devised: the subjugated country could be made responsible for the  
40 payment of a yearly tribute. **Its non-arrival would be taken as a sign of rebellion, and an expedition would then**  
41 **be sent to deal with the recalcitrant.** This was probably the reason for the attack recorded in Gn. 14.  
42 *[New Bible Dictionary, Third Edition. Wood, D. R. W., Wood, D. R. W., & Marshall, I. H. 1996, c1982, c1962;*  
43 *InterVarsity Press: Downers Grove]*

44 The U.S. Supreme Court recognized that the central government cannot lawfully offer licenses or franchises within a state of  
45 the Union without violating the Constitution when it held the following:

46 *"Thus, Congress having power to regulate commerce with foreign nations, and among the several States, and*  
47 *with the Indian tribes, may, without doubt, provide for **granting** coasting **licenses**, licenses to pilots, licenses to*  
48 *trade with the Indians, and any other **licenses** necessary or proper for the exercise of that great and extensive*  
49 *power; and the same observation is applicable to every other power of Congress, to the exercise of which the*  
50 *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) ]

## 9.2 Status declarations that make you party to contracts, franchises, or government “benefits”

The Constitution protects your right to contract by requiring that no state may enact any law that impairs your right to contract.

United States Constitution  
Article I, Section 10

No State shall . . . pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Implicit in the meaning of “impair”, includes the following:

1. Dictating the terms of the contract.
2. Compelling either party to act as an agent of the state called a “public officer” under the terms of the contract against their will. For instance, when you sell real property, the Federal Investment in Real Property Transfer Act, 26 U.S.C. §§897 and 1445, requires the Buyer to withhold or deduct on the Seller an income tax and thereby to act as an assessor and collector of income tax. Congress cannot delegate its authority to tax to a private citizen and it resides ONLY in the legislative branch. That requirement can only pertain to public officers already serving in the legislative branch of the government before they entertained a real estate transaction. See:  

Income Taxation of Real Estate Sales, Form #05.044  
<http://sedm.org/Forms/FormIndex.htm>
3. Compelling you to make a state a party to any aspect of a contract between otherwise private parties. This amounts to theft of property, because all rights are property and the conveyance of rights under the agreement without consideration is a theft of property.
4. Compelling you to donate any portion of the consideration passing between the private parties to a public use, a public purpose, or a public office within the government and thereby subject it to taxation. All sales taxes, in fact, occur only on federal territory and the decision as a vendor to collect them amounts to consent to become a resident of federal territory. See, for instance, California Revenue and Taxation Code, Section 6017.
5. Refusing to enforce any provision of the contract that is not violative of the criminal law and therefore not already unenforceable. This amounts to a violation of constitutionally protected rights through omission.
6. Compelling you to contract with the state or participate in any franchise, including, but not limited to:
  - 6.1. Social Security.
  - 6.2. Medicare.
  - 6.3. Income taxes.
  - 6.4. Sales taxes.
  - 6.5. Property taxes.
  - 6.6. Unemployment insurance.

In support of the above, the U.S. Supreme Court has held the following:

“Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be that by reason of this interest the state may fix the price [impair the contract!] at which the butcher must sell his meat, or the vendor of boots and shoes his goods? 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 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 [donates it] 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)]

1 An example of a status associated with a government franchise is the status of being “married”:

- 2 1. The rights of the parties associated with that status attach to the marriage contract.
- 3 2. The DEFAULT marriage contract, in turn, is codified in the family code of the state. That code is subject to continual
- 4 revision by the legislature. You can replace or circumvent that DEFAULT marriage contract only through private
- 5 contract between the spouses.
- 6 3. The collection of all the rights affected by the contract is called a “res” by the courts:

7 “It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action  
8 in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the ‘marriage  
9 status’ is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has  
10 an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that  
11 court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such  
12 jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. [Ditson v. Ditson,](#)  
13 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.](#)  
14 [366.](#)”  
15 [Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d 719 (CA. 1932)]

16 4. The “res” is defined as follows:

17 *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*  
18 *word has a very wide and extensive signification, including not only things which are objects of property, but also*  
19 *such as are not capable of individual ownership. And in old English law it is said to have a general import,*  
20 *comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according*  
21 *to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which*  
22 *is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions of all kinds; while*  
23 *in its restricted sense it comprehends every object of right, except actions. This has reference to the fundamental*  
24 *division of the Institutes that all law relates either to persons, to things, or to actions.*

25 *Res is everything that may form an object of rights and includes an object, subject-matter or status. In re*  
26 *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-*  
27 *matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings*  
28 *are taken. Thus, in a prize case, the captured vessel is “the res”; and proceedings of this character are said to*  
29 *be in rem. (See In personam; In Rem.) “Res” may also denote the action or proceeding, as when a cause, which*  
30 *is not between adversary parties, is entitled “In re \_\_\_\_\_”.*  
31 *[Black’s Law Dictionary, Sixth Edition, pp. 1304-1306]*

- 32 5. The “res”, or rights created by the marriage contract are created by mutual, voluntary, informed consent of the parties to
- 33 the contract, meaning the act of executing a valid marriage.
- 34 6. The “res” extinguishes when the domicile of either party extinguishes because the state offering the franchise does not
- 35 have jurisdiction over BOTH parties to the contract and therefore cannot enforce its obligations against BOTH parties:

36 “If marriage is a civil contract, whereby the domicile of the husband is the domicile of the wife, and whereby  
37 the contract between them was to be located in that domicile, it is difficult to see how the absence in another  
38 state of either party to such contract from the state where was located the domicile of the marriage could be  
39 said to carry such contract to another state, even if we were to concede that an idea, a mental apprehension,  
40 or metaphysical existence could be transmuted so as to become capable of attaching to it some process of a  
41 court, whereby it might be said to be under the exclusive jurisdiction of such court. If Mrs. McCreery could  
42 carry that res in the state of Illinois, then Mr. McCreery had the same res in the state of South Carolina at the  
43 same time. In other words, the same thing could be in two distinct places at one and the same time, which res  
44 the courts of Illinois would have the power to control as if it were a physical entity, and which res the courts  
45 of South Carolina would have the power, at the same moment of time, to control as if it were a physical entity.  
46 Such a conclusion would be absurd. [ . . . ] The jurisdiction which every state possesses, to determine the civil  
47 status and capacity of all of its inhabitants, involves authority to prescribe the conditions on which proceedings  
48 which affect them may be commenced and carried on within its territory. The state, for example, has absolute  
49 right to prescribe the conditions upon which the marriage relation [STATUS] between its own citizens shall be  
50 created, and the causes for which it may be dissolved.

51 [ . . . ]

52 Charles W. McCreery, and Rhoda, his wife, whether it be said their contract should be governed by the laws  
53 of the state of New York, where the marriage was solemnized, or whether of the state of South Carolina, which  
54 was the husband’s domicile, and where he is still domiciled, and where the marriage was to be performed,  
55 never agreed that their rights, duties, and liabilities as husband or wife should be determined by the state of  
56 Illinois, or that the determination of these rights, duties, and liabilities might be had in an action for divorce  
57 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.

[McCreery v. Davis, 44 S.C. 195, 28 L.R.A. 655, 22 S.E. 178, 51 Am. St. Rep. 794 (S.C., 1895)]

7. A valid marriage usually requires a public ceremony, accompanied by witnesses, and which the parties attended voluntarily and without duress. The presence of duress at the ceremony invalidates the contract and thereby destroys the “res”.
8. The parties to the *licensed* marriage contract include the two spouses AND the government. Hence, those who obtain STATE marriages using the DEFAULT marriage contract in effect are practicing criminal polygamy, because they are marrying not only each other, but the STATE as well. An unlicensed marriage using a PRIVATE contract removes the State as party:

JUSTICE MAAG delivered the opinion of the court: This action was brought in April of 1993 by Carolyn and John West (grandparents) to obtain visitation rights with their grandson, Jacob Dean West. Jacob was born January 27, 1992. He is the biological son of Ginger West and Gregory West, Carolyn and John's deceased son...

However, this constitutionally protected parental interest is not wholly without limit or beyond regulation. *Prince v. Commonwealth of Massachusetts*, 321 U.S. 158, 166, 88 L.Ed. 645, 64 S.Ct. 438, 442 (1944). “[T]he state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare.” *Prince*, 321 U.S. at 167, 88 L.Ed. 645, 64 S.Ct. at 442. In fact, the entire familial relationship involves the State. When two people decide to get married, they are required to first procure a license from the State. If they have children of this marriage, they are required by the State to submit their children to certain things, such as school attendance and vaccinations. Furthermore, if at some time in the future the couple decides the marriage is not working, they must petition the State for a divorce. Marriage is a three-party contract between the man, the woman, and the State. *Linneman v. Linneman*, 1 Ill. App. 2d 48, 50, 116 N.E.2d 182, 183 (1953), citing *Van Koten v. Van Koten*, 323 Ill. 323, 326, 154 N.E. 146 (1926). The State represents the public interest in the institution of marriage. Linneman, 1 Ill.App. 2d at 50, 116 N.E.2d, at 183. This public interest is what allows the State to intervene in certain situations to protect the interests of members of the family. The State is like a silent partner in the family who is not active in the everyday running of the family but becomes active and exercises its power and authority only when necessary to protect some important interest of family life. Taking all of this into consideration, the question no longer is whether the State has an interest or place in disputes such as the one at bar, but it becomes a question of timing and necessity. Has the State intervened too early or perhaps intervened where no intervention was warranted? This question then directs our discussion to an analysis of the provision of the Act that allows the challenged State intervention (750 ILCS 5/607(b) (West 1996)). [West v. West, 689 N.E.2d 1215 (1998)]

Nearly all civil law passed by government may be enforced only against those engaged in “public conduct” as public officers within the government. This is exhaustively proven by the following:

1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>
2. Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008  
<http://sedm.org/Forms/FormIndex.htm>
3. Proof That There is a “Straw Man”, Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>

As the above authorities clearly demonstrate, nearly all civil laws passed by government are crafted in such a way that all the following statuses are synonyms for what is actually a “public office” within the government and describe the status of the office itself, rather than the human being *holding* said office or who is surety for said office:

1. “citizen” or “resident”.
2. “person”, “individual”, “trust”, or “estate”.
3. Franchisee such as a “taxpayer” in the case of income taxes under I.R.C. Subtitle A.
4. Franchisees such as “beneficiaries” within the Social Security Act.
5. “United States”, which both 26 U.S.C. §7701(a)(9) and (a)(10) and 26 U.S.C. §864(c)(3) confirm is the government and not the geographical states of the Union.

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.

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

(h) [Location of United States.]

The United States is located in the District of Columbia.

[SOURCE:

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

6. "State", which is a federal territory and/or a federal corporation under federal law, rather than a sovereign state of the Union pursuant to 4 U.S.C. §110(d), 26 U.S.C. §7701(a)(10), and the following:

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

Consequently, when you fill out a form describing or declaring or associating yourself with any of the above statuses or as a "person" domiciled or resident in any of the above, indirectly the form you are filling out constitutes all the following, regardless of what it actually says:

1. An application or request to occupy a public office in the government.
2. An application for "benefits" under the terms of an existing government franchise agreement.
3. A waiver of sovereign immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. §1605(a)(2), which requires that those who engage in commerce within the legislative jurisdiction of the sovereign waive their sovereign immunity and their sovereignty and become a "person" or "resident" within the jurisdiction they are doing business in.
4. A disclosure of the de facto license number to act in the capacity as a public officer. That license number is called a Taxpayer Identification Number (T.I.N.) or a Social Security Number (S.S.N.).
5. A request to donate any property described on the form or connected with the de facto license number to a public use, a public office, and a public purpose in order to procure "benefits" under the terms of the franchise agreement that governs the submission and processing of the "benefit" form.
6. Because the form contains a perjury oath, it represents an abdication of God as your sovereign Lord and the redirection of your allegiance, trust, and sponsorship to a new pagan deity and provider called government:

"The doctrine is, that allegiance cannot be due to two sovereigns [God v. Government]; and taking an oath of allegiance to a new [on government form using a perjury statement], is the strongest evidence of withdrawing allegiance from a previous, sovereign [GOD]...."  
[Talbot v. Janson, 3 U.S. 133 (1795)]

"No servant can serve two masters [God and government]; 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]

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"Again you have heard that it was said to those of old, 'You shall not swear falsely, but shall perform your oaths to the Lord.'

"But I say to you, do not swear at all [on government form, for instance, using a perjury oath]; neither by heaven, for it is God's throne; nor by the earth, for it is His footstool; nor by Jerusalem, for it is the city of the great King.

"Nor shall you swear by your head, because you cannot make one hair white or black.

"But let your 'Yes' be 'Yes,' and your 'No,' 'No.' For whatever is more than these is from the evil one."  
[Jesus in Matt. 5:33-37, Bible, NKJV]

In the above sense, all forms of governing franchises within the government represent an opportunity to contract with the government because they create opportunities for you to accept "benefits" and all the obligations or strings attached to the "benefits":

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.

Since the Constitution forbids the government from compelling you to contract with them, then by implication, no one, and especially an officer of the government, may dictate your status on a government form in such a way that any of your Constitutionally protected rights are impaired or prejudiced in any way. If they do, they are engaged in theft and slavery in violation of the Fifth Amendment takings clause and the Thirteenth Amendment.

### **9.3 Compelled or Non-Consensual Changes to Your Status on Government Forms is a Tort**

Those who are members of this ministry are required to refrain from submitting any government form, and especially tax forms. There are likely to be occasions where third parties may:

1. Attempt to compel members to submit a government form.
2. Attempt to determine what form is appropriate.
3. Attempt to dictate what may go on the form before it will be accepted.

Nearly all government forms are submitted under penalty of perjury, and especially tax forms. Consequently, if you are compelled to submit a government form containing information that you know is not true and to sign it under penalty of perjury, then the following criminal torts have occurred:

1. Witness tampering in violation of 18 U.S.C. §1512.
2. Subornation of perjury in violation of 18 U.S.C. §1622.
3. Perjury in violation of 18 U.S.C. §§1001 and 1621.
4. Perjury in violation of 18 U.S.C. §1542 if the form is a passport application.

Below is an example of effective language we recommend that discourages others from trying to coach or advise you on what to put on a government form that is signed under penalty of perjury and which asks you about your citizenship status. This comes from our USA Passport Application Attachment, Form #06.007:

*This form is provided as a mandatory attachment to U.S. Department of State form DS-11 or DS-82 in order to carefully define my citizenship status and legal domicile. The attached DS-11 or DS-82 passport application is INVALID and not useful as evidence in any legal proceeding WITHOUT this mandatory attachment also included in its entirety with no information altered or redacted on either the DS-11, DS-82, or this form by anyone other than me.*

I sincerely apologize in advance for any extra work, effort, or inconvenience this attachment might have on your work schedule. I don't hate you or any government and I thank you for the important service you provide to us all. I know you, the recipient, work hard and I don't want to force you to have to work even harder. My intention is not to hurt you, make you feel inferior, or make more work for you, but to sincerely and vigilantly ensure that ALL laws are scrupulously known, applied, and obeyed by both myself and all who handle my application and all information connected with it. This is a fulfillment of the U.S. Supreme Court's requirement that:

"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 man [including employees of the department of state] is supposed to know the law. A party who makes a contract with an officer [of the government or claims a status that makes him a party to a franchise contract] 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)]

The reason why it is necessary for me to attach this form to the passport application form is that there are certain terms used on the form which have multiple legal contents and meanings, yet, no provisions are provided on the form for the applicant to indicate which one of the multiple legal meanings applies to the applicant. This leaves undue discretion to any judge or government bureaucrat to make unfounded presumptions about the meaning and context that are injurious to my constitutional rights.

"To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules [of statutory construction and interpretation] and precedents, which serve to define and point out their duty in every particular case that comes before them."  
[Federalist Paper No. 78, Alexander Hamilton]

"When we consider the nature and 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. 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 [GOVERNMENT] power."  
[Downes v. Bidwell, 182 U.S. 244 (1901) ]

Also, there are certain terms used on the passport application form which are not defined either statutorily or on the form itself. The use of undefined or general terms is the main means of effecting unconstitutional arbitrary power and fraud upon the public.

"Dolus versatur generalibus. A deceiver deals in generals. 2 Co. 34."  
"Fraus latet in generalibus. Fraud lies hid in general expressions."  
Generale nihil certum implicat. A general expression implies nothing certain. 2 Co. 34.  
[Bouvier's Maxims of Law, 1856]

Therefore, this attached form is necessary to remove the DELIBERATE ambiguity contained on the passport application form. Without the clarifications contained in this form, it would be possible for you to misconstrue my status as that of a statutory "citizen of the United States" pursuant to 8 U.S.C. §1401, resulting in me becoming the undeserving subject of unjust, illegal, and unconstitutional government enforcement activities. A statutory "U.S. citizen" cannot be a "foreign sovereign" by virtue of their statutory citizenship as described in 28 U.S.C. §1603(b)(3) and I do not wish to forfeit the same sovereign immunity that the government itself enjoys under the concept of equal protection and equal treatment.

I also wish to prevent crimes that could result from making presumptions about my status. The following crimes inevitably will result if any status OTHER than that documented here is presumed by the Recipient:

1. Perjury or subornation of perjury pursuant to 18 U.S.C. §1542, 18 U.S.C. §1001, and 18 U.S.C. §1621.
2. Human trafficking pursuant to 18 U.S.C. Chapter 77, which is effected by withholding or taking identity documents from those abroad or intending to go abroad such as myself, and using withholding the documents as an excuse to impose government peonage to pay off the public debt or become surety for such debt. The civil or statutory statuses and obligations I am avoiding are the obligations being involuntarily imposed through the passport application process.
3. Compelled use of identifying numbers under 42 U.S.C. §408(a)(8).

4. Identity theft under [42 U.S.C. §405\(c\)\(2\)\(C\)\(i\)](#), [42 U.S.C. §408\(a\)\(7\)](#), [18 U.S.C. §1028\(a\)\(7\)](#), and [18 U.S.C. §1028A](#) for the commercial abuse of my identity for the gain of the government without my consent. I hope you don't intend to force me to consent to criminal identity theft on your party merely to obtain an identity document, and to do so under the "auspices" of trying to provide protection I don't consent to or need. That would be the most egregious and ironic injury of all;
5. Impersonating a STATUTORY "national and citizen of the United States" under [18 U.S.C. §911](#). State citizens cannot declare themselves to be a statutory "citizen of the United States" pursuant to [8 U.S.C. §1401](#).
6. The offering or enforcing of national franchises in a constitutional State. Statutory "U.S. citizen" status is a franchise status that has been made the subject of the income tax in 26 U.S.C. §1, and the U.S. Supreme Court has held in the License Tax Cases that Congress cannot authorize a "trade or business" (such as "U.S. citizen" under 8 U.S.C. §1401) in a state in order to tax it. The License Tax Cases were a response to attempts to institute the first income tax in states of the Union in 1862, during the Civil War.

Applicant doesn't ever want to be a criminal by saying anything on a government form that I know either isn't true or which I can't prove with legally admissible evidence is true. The submission of this form is therefore provided at the advice of my counsel as an act of self-defense intended to protect my constitutional rights from being injured by [false presumptions](#), being coerced under unlawful duress to engage in compelled association, or from having my legal identity kidnapped and moved to the District of Columbia pursuant to [26 U.S.C. §§7701\(a\)\(39\)](#) and [7408\(d\)](#) without my consent. It constitutes the same type of liability limitation and protection that you use against me during the passport application process. You refuse to provide your full legal birthname, interfere with taking pictures at the facility during the application process that might document your coercion, refuse to provide a return number to call you personally, refuse to corresponding with me by email or in writing, etc. If you can limit your liability, then so can I under the concept of equal protection and equal treatment. Otherwise, "United States" is an unconstitutional Title of Nobility.

DO NOT therefore attempt to:

1. Contact me to persuade me to change my citizenship or domicile status as documented on this form or to change any answer provided on the attached DS-11 or DS-82 form.
2. Remove, redact, or disassociate this form with the attached forms DS-11, DS-82, or DS-71 form(s).

Doing either of the above will cause you to engage in a criminal conspiracy to tamper with a witness in violation of [18 U.S.C. §1512](#) and to commit all of the crimes documented above. The penalty for violating these statutes is up to 25 years in jail. If you have a problem with my status as documented herein, please in your response copy this form and complete Section 11 of this form and send the completed signed form back to me. [USA Passport Application Attachment, Form #06.007]

## 9.4 Federal Declaratory Judgment Act, 28 U.S.C. §2201(a)

The federal Declaratory Judgments Act, 28 U.S.C. §2201, allows federal courts to declare the rights and status of parties who petition for a declaratory judgment. It exempts from its jurisdiction your status under the tax code:

United States Code  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE  
PART VI - PARTICULAR PROCEEDINGS  
CHAPTER 151 - DECLARATORY JUDGMENTS  
Sec. 2201. Creation of remedy

(a) In a case of actual controversy within its jurisdiction, except with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986, a proceeding under section 505 or 1146 of title 11, or in any civil action involving an antidumping or countervailing duty proceeding regarding a class or kind of merchandise of a free trade area country (as defined in section 516A(f)(10) of the Tariff Act of 1930), as determined by the administering authority, any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

Consistent with the federal Declaratory Judgments Act, federal courts who have been petitioned to declare a litigant to be a "taxpayer" have declined to do so and have cited the above act as authority:

Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to "whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14) ." (See Compl. at 2.) This Court lacks jurisdiction to issue a declaratory judgment "with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986," a code section that is not at issue in the instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991)

(affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability).  
Accordingly, defendant's motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED.  
[Rowen v. U.S., 05-3766MMC. (N.D.Cal. 11/02/2005)]

The implications of the above are that:

1. The federal courts have no lawful delegated authority to determine or declare whether you are a "taxpayer".
2. If federal courts cannot directly declare you a "taxpayer", then they also cannot do it indirectly by, for instance:
  - 2.1. Presuming that you are a "taxpayer".
  - 2.2. Calling you a "taxpayer" before you have called yourself one.
  - 2.3. Arguing with you if you rebut others from calling you a "taxpayer".
  - 2.4. Treating you as a "taxpayer" if you provide evidence to the contrary by enforcing any provision of the I.R.C. Subtitle A "taxpayer" franchise agreement against you as a "nontaxpayer".

"Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national Government] and not to non-taxpayers [non-citizen nationals domiciled within the exclusive jurisdiction of a state of the Union and not subject to the exclusive jurisdiction of the national 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."  
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

Authorities supporting the above include the following:

**"It is almost unnecessary to say, that what the legislature cannot do directly, it cannot do indirectly. The stream can mount no higher than its source. The legislature cannot create corporations with illegal powers, nor grant unconstitutional powers to those already granted."**  
[Gelpcke v. City of Dubuque, 68 U.S. 175, 1863 WL 6638 (1863)]

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**"Congress cannot do indirectly what the Constitution prohibits directly."**  
[Dred Scott v. Sandford, 60 U.S. 393, 1856 WL 8721 (1856)]

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**"In essence, the district court used attorney's fees in this case as an alternative to, or substitute for, punitive damages (which were not available). The district court cannot do indirectly what it is prohibited from doing directly."**  
[Simpson v. Sheahan, 104 F.3d. 998, C.A.7 (Ill.) (1997)]

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**"It is axiomatic that the government cannot do indirectly (i.e. through funding decisions) what it cannot do directly."**  
[Com. of Mass. v. Secretary of Health and Human Services, 899 F.2d. 53, C.A.1 (Mass.) (1990)]

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**"Almost half a century ago, this Court made clear that the government "may not enact a regulation providing that no Republican ... shall be appointed to federal office." Public Workers v. Mitchell, 330 U.S. 75, 100, 67 S.Ct. 556, 569, 91 L.Ed. 754 (1947). What the \*78 First Amendment precludes the government\*\*2739 from commanding directly, it also precludes the government from accomplishing indirectly. See Perry, 408 U.S., at 597, 92 S.Ct., at 2697 (citing Speiser v. Randall, 357 U.S. 513, 526, 78 S.Ct. 1332, 1342, 2 L.Ed.2d. 1460 (1958)); see supra, at 2735."**  
[Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, U.S. Ill. (1990)]

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**"Similarly, numerous cases have held that governmental entities cannot do indirectly that which they cannot do directly. See \*841 Board of County Comm'rs v. Umbehr, 518 U.S. 668, 674, 116 S.Ct. 2342, 135 L.Ed.2d. 843 (1996) (holding that the First Amendment protects an independent contractor from termination or prevention of the automatic renewal of his at-will government contract in retaliation for exercising his freedom of speech); El Dia, Inc. v. Rossello, 165 F.3d. 106, 109 (1st Cir.1999) (holding that a government could not withdraw advertising from a newspaper which published articles critical of that administration because it violated clearly established First Amendment law prohibiting retaliation for the exercising of freedom of speech); North Mississippi Communications v. Jones, 792 F.2d. 1330, 1337 (5th Cir.1986) (same). The defendants violated clearly established Due Process and First Amendment law by boycotting the plaintiffs' business in an effort to get them removed from the college."**  
[Kinney v. Weaver, 111 F.Supp.2d. 831, E.D.Tex. (2000)]



## 10 Defending Yourself against involuntary changes to your civil status by governments

### 10.1 You have a right to define words on government forms or even make your own forms

The purpose of government forms is almost exclusively to create usually false presumptions that prejudice your status, forfeit usually a Constitutional right, and connect you to some form of government franchise in the process. As we pointed out earlier in section 10.3.1, presumptions about your status are a constitutional tort if engaged in by anyone from the government. The Bible also makes presumptions a sin:

*"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]

Those who are Christians therefore owe a duty God not to engage in presumptions and not to encourage, condone, or participate in presumptions by others. Consequently, they have a corresponding duty and a RIGHT to define every word that appears on any government form they fill out that is undefined or whose definition is not legally admissible as evidence in order to prevent being victimized by presumptions about the meaning of words used on the form. This, we might add, is not only an act of self-defense, but a "religious practice" of all Christians who take their faith and God's law seriously and which is protected by the First Amendment to the Constitution. Why is this important? Because:

1. The IRS says you can't and shouldn't rely on anything they publish or print, which means anything on any one of their forms or publications or on their website:

*"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. Private publications also confirm the above:

p. 21: "As discussed in §2.3.3, the IRS is not bound by its statements or positions in unofficial pamphlets and publications."

p. 34: "6. IRS Pamphlets and Booklets. The IRS is not bound by statements or positions in its unofficial publications, such as handbooks and pamphlets."

p. 34: "7. Other Written and Oral Advice. Most taxpayers' requests for advice from the IRS are made orally. Unfortunately, the IRS is not bound by answers or positions stated by its employees orally, whether in person or by telephone. According to the procedural regulations, 'oral advice is advisory only and the Service is not bound to recognize it in the examination of the taxpayer's return.' 26 C.F.R. §601.201(k)(2). In rare cases, however, the IRS has been held to be equitably estopped to take a position different from that stated orally to, and justifiably relied on by, the taxpayer. The Omnibus Taxpayer Bill of Rights Act, enacted as part of the Technical and Miscellaneous Revenue Act of 1988, gives taxpayers some comfort, however. It amended section 6404 to require the Service to abate any penalty or addition to tax that is attributable to advice furnished in writing by any IRS agent or employee acting within the scope of his official capacity. Section 6404 as amended protects the taxpayer only if the following conditions are satisfied: the written advice from the IRS was issued in response to a written request from the taxpayer; reliance on the advice was reasonable; and the error in the advice did not result from inaccurate or incomplete information having been furnished by the taxpayer. Thus, it will still be difficult to bind the IRS even to written statements made by its employees. As was true before, taxpayers may be penalized for following oral advice from the IRS."

[Tax Procedure and Tax Fraud, Patricia Morgan, 1999, ISBN 0-314-06586-5, West Group]

3. The courts have also repeatedly held that you cannot rely on anything a government employee tells you or which the government prints as a reasonable basis for belief.

"It is unfortunately all too common for government manuals, handbooks, and in-house publications to contain statements that were not meant or are not wholly reliable. If they go counter to governing statutes and regulations of the highest or higher dignity, e.g. regulations published in the Federal Register, they do not bind the government, and persons relying on them do so at their peril." Caterpillar Tractor Co. v. United States, 589 F.2d. 1040, 1043, 218 Ct.Cl. 517 (1978) (A Handbook for Exporters, a Treasury publication). Dunphy v. United States, 529 F.2d. 532, 208 Ct.Cl. 986 (1975)], supra (Navy publication entitled All Hands). In such cases it is necessary to examine any informal publication to see if it was really written to fasten legal consequences on the

government. *Dunphy*, *supra*. See also *Donovan v. United States*, 139 U.S. App. D.C. 364, 433 F.2d. 522 (D.C.Cir.), cert. denied, 401 U.S. 944, 91 S.Ct. 955, 28 L. Ed. 2d 225 (1971). (*Employees Performance Improvement Handbook*, an FAA publication)(merely advisory and directory publications do not have mandatory consequences). *Bartholomew v. United States*, 740 F.2d. 526, 532 n. 3 (7th Cir. 1984)(quoting *Fiorentino v. United States*, 607 F.2d. 963, 968, 221 Ct.Cl. 545 (1979), cert. denied, 444 U.S. 1083, 100 S.Ct. 1039, 62 L. Ed. 2d 768 (1980)).

**Lecroy's proposition that the statements in the handbook were binding is inapposite to the accepted law among the circuits that publications are not binding.** <sup>\*fn15</sup> We find that the Commissioner did not abuse his discretion in promulgating the challenged regulations. First, *Farms and International* did not justifiably rely on the Handbook. **Taxpayers who rely on Treasury publications, which are mere guidelines, do so at their peril.** *Caterpillar Tractor v. United States*, 589 F.2d. 1040, 1043, 218 Ct.Cl. 517 (1978). Further, the Treasury's position on the sixty-day rule was made public through proposed section 1.993-2(d)(2) in 1972, before the taxable years at issue. *Charbonnet v. United States*, 455 F.2d. 1195, 1199- 1200 (5th Cir.1972). See also *Wendland v. Commissioner of Internal Revenue*, 739 F.2d. 580, 581 (11th Cir.1984). Second, **whatever harm has been suffered by Farms and International resulted from a lack of prudence.** As even the *Lecroy* 751 F.2d. at 127. See also 79 T.C. at 1069. "  
[*CWT Farms Inc. v. Commissioner of Internal Revenue*, 755 F.2d. 790 (11th Cir. 03/19/1985) ]

4. The Courts have also said you can't rely on anything the government or the IRS says. See [Boulez v. C.I.R., 258 U.S.App.D.C. 90, 810 F.2d. 209 \(1987\)](#).

Consequently, there is no reason to believe that you understand the meaning of words used on government forms and it is a hazard to your liberty to allow or permit a government employee to ASSUME that they know what the words mean either. Words that would fall into such a category include all the following "words of art", for instance:

1. "United States"
2. "State"
3. "income"
4. "employee"
5. "employer"
6. "trade or business"
7. "wages"
8. "gross income"

Not even the Internal Revenue Code, in fact, counts as evidence upon which to base a belief about what the above words mean. 1 U.S.C. §204 indicates that the entire title is "prima facie evidence", which means that it is nothing more than a "presumption":

[TITLE 1 > CHAPTER 3 > § 204](#)  
[§ 204. Codes and Supplements as evidence of the laws of United States and District of Columbia; citation of Codes and Supplements](#)

*In all courts, tribunals, and public offices of the United States, at home or abroad, of the District of Columbia, and of each State, Territory, or insular possession of the United States—*

(a) *United States Code.*—

**The matter set forth in the edition of the Code of Laws of the United States current at any time shall, together with the then current supplement, if any, establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included: Provided, however, That whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States**

Below is the definition of "prima facie":

**"Prima facie.** Lat. At first sight; on the first appearance; on the face of it; so far as can be judged from the first disclosure; **presumably; a fact presumed to be true unless disproved by some evidence to the contrary.** *State ex rel. Herbert v. Whims*, 68 Ohio.App. 39, 28 N.E.2d. 596, 599, 22 O.O. 110. See also *Presumption*"  
[*Black's Law Dictionary*, Sixth Edition, p. 1189]

The courts have repeatedly held that presumptions are not evidence. Therefore anything that is “prima facie” is not evidence and a court cannot by its own authority turn a presumption into evidence without violating due process of law:

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

The entire Internal Revenue Code, Title 26 is “statutory law”, and anything that is a “statute” which creates presumption that prejudices a constitutionally protected right is a violation of due process of law by the party imposing or enforcing the statutory presumption to impair the rights of the litigants:

**Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments.** In *Heiner v. Donnan*, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had ‘held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.’ *Id.*, at 329, 52 S.Ct., at 362. See, e.g., *Schlesinger v. Wisconsin*, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); *Hoeper v. Tax Comm'n*, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also *Tot v. United States*, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); *Leary v. United States*, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969). Cf. *Turner v. United States*, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970). [*Vlandis v. Kline*, 412 U.S. 441 (1973)]

Furthermore, the statutes that predated the Internal Revenue Code were all repealed when the Internal Revenue Code was first enacted in 1939. 53 Stat. 1, Section 4. See also:

SEDM Exhibit 1023, 53 Stat. 1  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

Therefore, the Statutes At Large prior to the enactment of the Internal Revenue Code in 1939 are also unreliable and not admissible as evidence of what the words mean because they are all repealed. Therefore, there is NO basis at all, even within any statute, upon which to base a “reasonable belief” about what the words appearing on tax forms REALLY mean! If you would like to learn more about what the government and the legal profession themselves say about this monumental scam and why the tax system is really little more than a state-sponsored religion regulating tithes to a state-sponsored church, see:

1. *Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>
2. *Socialism: The New American Civil Religion*, Form #05.016  
<http://sedm.org/Forms/FormIndex.htm>

Anyone who would therefore take a tax form that not even the IRS will guarantee the accuracy of and sign it under penalty of perjury as being truthful and accurate is a DAMN FOOL without at least defining each and every critical “word of art” appearing on the form in an attachment, and making the attachment an inseparable part of the form. Below is an example of a MANDATORY attachment that every member of this ministry must attach to any government tax form they fill out and submit which satisfies this purpose. We would argue that anyone who is a Christian owes a duty to God to attach the above form in order to prevent the sin of presumption on anyone’s part, and especially their own:

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

We therefore assert that:

1. Everyone has a right of self-defense. Implicit in that right is the right to define the meaning of what you say or put on government forms to prevent being injured by what you said or wrote.

- 1 2. The First Amendment guarantees us a right to:  
2 2.1. Speak  
3 2.2. Not speak.  
4 2.3. Define the intended meaning and significance of every word that we speak.  
5 3. It is an unalienable right protected by the First Amendment to define and declare the MEANING and significance of  
6 every word that proceeds out of our mouth.  
7 3.1. Only the Creator of a thing can define its significance and relationship to the hearer or recipient of the thing.  
8 3.2. The Creator of a thing is the OWNER of a thing. Implicit in the right of ownership is the right to EXCLUDE any  
9 meaning that would commercially benefit the hearer.  
10 3.3. No one may interfere with that right by redefining the words to contradict the definition or meaning intended by  
11 the speaker. If they do, they are STEALING.  
12 4. The moment that the hearer defines the speech to have a meaning not intended by the speaker or in conflict with the way  
13 the speaker defined it is the minute that:  
14 4.1. The speech ceases to be the responsibility or property of the “speaker”.  
15 4.2. The hearer at that point then becomes exclusively responsible and the “owner” of their false perception of the  
16 speech and the speaker then ceases to have any liability for the reaction of the hearer to the speech.  
17 5. The only occasion where the hearer can have a reason or motive to define the words used by the speaker is when the  
18 speaker does not define them him or her self.  
19 6. In law rights are property and anything that creates rights is property. If speech is abused by the hearer to create legal  
20 rights against you by attributing a status or intention to you that you did not have, then they are depriving you of the use  
21 of your property using your own speech, which is your property. The very essence of owning “property” is the right to  
22 exclude others from using or benefitting or enjoying it and to control HOW people use it. It’s not your speech or your  
23 “property” if:  
24 6.1. You can’t even define whether it is even factual and therefore reliable.  
25 6.2. You can’t control how, when, or by whom it is used to advantage.  
26 6.3. You can’t prevent others from using it against you.  
27 7. It is an interference with your First Amendment right and an injury for anyone to interfere with your efforts to define the  
28 words you use, and especially on government forms, by either penalizing you for defining the meaning of the words or  
29 refusing to accept the form that includes definitions because:  
30 7.1. They are interfering with your religious practice by forcing you to either engage in presumption, which is a sin, or  
31 in encouraging others to engage in the sin.  
32 7.2. They have deprived you of the right to communicate in the way you see fit. The essence of having a right is that  
33 its exercise cannot be regulated or interfered with or else it isn’t a right but a privilege.  
34 7.3. They are abusing PRESUMPTION to unconstitutionally establish a civil religion. That civil religion recognizes or  
35 enforces an UNEQUAL relationship between you and the government, imputes SUPERNATURAL powers to a  
36 government, and makes you a compelled “worshiper” of that religion who owes “tithes” called “taxes”. See:

*Government Establishment of Religion*, Form #05.038  
<http://sedm.org/Forms/FormIndex.htm>

37 The IRS obviously knows the above, which is why they publish specifications on how you can make your OWN forms as  
38 substitute for theirs. As an example, see:

*IRS Form W-8 Instructions for Requester of Forms W-8BEN, W-8ECI, W-8EXP, and W-8IMF, Catalog 26698G*  
<http://sedm.org/Forms/Tax/W-8BEN/IRSFormW-8Inst-RequesterOfForms-0506.pdf>

## 39 **10.2 You have a right to define the meaning of the perjury statement as an extension of your** 40 **right to contract**

41 Signing a perjury statement not only constitutes the taking of an oath, but also constitutes the conveying of consent to be held  
42 accountable for the accuracy and truthfulness of what appears on the form. It therefore constitutes an act of contracting that  
43 conveys consent and rights to the government to hold you accountable for the accuracy of what is on the form. Governments  
44 are created to protect your right to contract and the Constitution forbids them from interfering with or impairing the exercise  
45 of that inalienable right. Governments are created to ensure that every occasion you give consent or contract is not coerced.

46 *"Independent of these views, there are many considerations which lead to the conclusion that the power to*  
47 *impair contracts, by direct action to that end, does not exist with the general [federal] government. In the first*  
48 *place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice, and*

what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in *Hepburn v. Griswold*, to inference or conjecture. As he observes, at the time the Constitution was undergoing discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the government of the Northwestern Territory, in which certain articles of compact were established between the people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of extending the fundamental principles of civil and religious liberty, upon which the States, their laws and constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner, interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States [in Article 1, Section 10 of the Constitution] against impairing the obligation of contracts, which has ever been recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the government of the United States, he expressed the opinion, speaking for himself and the majority of the court at the time, that it was clear that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation [or judicial precedent] of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the opinions of other judges of this court."

[[Sinking Fund Cases, 99 U.S. 700 \(1878\)](#)]

The presence of coercion, penalties, or duress of any kind in the process of giving consent renders the contract unenforceable and void.

"An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.<sup>20</sup> Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,<sup>21</sup> and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>22</sup> However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.<sup>23</sup>"

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

Any instance where you are required to give consent cannot be coerced or subject to penalty and must therefore be voluntary. Any penalty or threat of penalty in specifying the terms under which you provide your consent is an interference or impairment with your right to contract. This sort of unlawful interference with your right to contract happens all the time when the IRS illegally penalizes people for specifying the terms under which they consent to be held accountable on a tax form.

The perjury statement found at the end of nearly every IRS Form is based on the content of [28 U.S.C. §1746](#):

[TITLE 28 > PART V > CHAPTER 115 > § 1746](#)  
[§1746. Unsworn declarations under penalty of perjury](#)

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

**(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)".**

<sup>20</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

<sup>21</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 SE.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>22</sup> 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)

<sup>23</sup> Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.



(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)".

The term "United States" as used above means the territories and possessions of the United States and the District of Columbia and excludes states of the Union mentioned in the Constitution. Below is the perjury statement found on the IRS Form 1040 and 1040NR:

*"Under penalty of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge."*  
[IRS Forms 1040 and 1040NR jurat/perjury statement]

Notice, based on the above perjury statement, that:

1. You are a "taxpayer". Notice it uses the words "(other than taxpayer)". The implication is that you can't use any standard IRS Form WITHOUT being a "nontaxpayer". As a consequence, signing any standard IRS Form makes you a "taxpayer" and a "resident alien". See:

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

2. The perjury statement indicated in [28 U.S.C. §1746\(2\)](#) is assumed and established, which means that you are creating a presumption that you maintain a domicile on federal territory.

Those who want to avoid committing perjury under penalty of perjury by correcting the IRS form to reflect the fact that they are not a "taxpayer" and are not within the "United States" face an even bigger hurdle. If they try to modify the perjury statement to conform with [28 U.S.C. §1746\(1\)](#), frequently the IRS or government entity receiving the form will try to penalize them for modifying the form. The penalty is usually \$500 for modifying the jurat. This leaves them with the unpleasant prospect of choosing the lesser of the following two evils:

1. Committing perjury under penalty of perjury by misrepresenting themselves as a resident of the federal zone and destroying their sovereignty immunity in the process pursuant to [28 U.S.C. §1603\(b\)](#).
2. Changing the jurat statement, being the object of a \$500 penalty, and then risking having them reject the form.

How do we work around the above perjury statement at the end of most IRS Forms in order to avoid either becoming a "resident" of the federal "United States" or a presumed "taxpayer"? Below are a few examples of how to do this:

1. You can write a statement above the signature stating "signature not valid without the attached signed STATEMENT and all enclosures" and then on the attachment, redefine the ENTIRE perjury statement:

*"IRS frequently and illegally penalizes parties not subject to their jurisdiction such as 'nontaxpayers' who attempt to physically modify language on their forms. They may only lawfully administer penalties to public officers and not private persons, because the U.S. Supreme Court has held that the ability to regulate private conduct is 'repugnant to the constitution'. I, as a private person and a 'nontaxpayer' not subject to IRS penalties, am forced to create this attachment because I would be committing perjury if I signed the form as it is without making the perjury statement consistent with my circumstances as indicated in 28 U.S.C. §1746. Therefore, regardless of what the perjury statement says on your form, here is what I define the words in your perjury statement paragraph to mean:*

*"Under penalties of perjury from without the 'United States' pursuant to 28 U.S.C. §1746(1), I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. I declare that I am a 'nontaxpayer' not subject to the Internal Revenue Code, not domiciled in the 'United States', and not participating in a 'trade or business' and that it is a Constitutional tort to enforce the I.R.C. against me. I also declare that any attempt to use the content of this form to enforce any provision of the I.R.C. against me shall render everything on this form as religious and political statements and beliefs rather than facts which are not admissible as evidence pursuant to Fed.Rul.Ev. 610.*

*If you attempt to penalize me, you will be penalizing a person for refusing to commit perjury and will become an accessory to a conspiracy to commit perjury."*

2. You can write a statement above the signature stating "signature not valid without the attached signed STATEMENT and all enclosures" and then attach the following form:

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

3. You can make your own form or tax return and use whatever you want on the form. They can only penalize persons who use THEIR forms. If you make your own form, you can penalize THEM for misusing YOUR forms or the information on those forms. This is the approach taken by the following form. Pay particular attention to section 1 of the form:

Federal Nonresident Nonstatutory Claim for Return of Funds Unlawfully Paid to the Government -Long, Form #15.001  
<http://sedm.org/Forms/FormIndex.htm>

### **10.3 Rebutting challenges or changes to your declaration of status by the government**

#### **10.3.1 Presumptions by others about your status unsupported by evidence are a tort**

Your civil status is how to define your rights and standing in relation to others. All presumptions by the government which impair constitutionally protected rights are unconstitutional:

(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 US 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, paragraph 8:4993, p. 8K-34]*

Likewise, statutes that create presumptions about your status are similarly impermissible:

***Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments.** In Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 (1932), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.' *Id.*, at 329, 52 S.Ct., at 362. See, e.g., Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 (1926); Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 (1931). See also Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 (1943); Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 (1969). Cf. Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 (1970). [Vlandis v. Kline, 412 U.S. 441 (1973)]*

#### **10.3.2 Calling your declaration of status "frivolous"**

Those who lawfully deprive the government of jurisdiction and revenues by choosing their status carefully and accurately and truthfully declaring that status under penalty of perjury on government forms can and often are accused of being "frivolous" and may even be unlawfully penalized for doing so. It is important to remember that:

1. All such accusations and reactions to your declaration of status cannot and do not affect your status in the least.
2. The only thing that can effectively be used to challenge your declaration of status under penalty of perjury is a contradictory affidavit of equal or greater weight or authority signed under penalty of perjury by someone who has personal knowledge of your circumstances.

If you penalized by a taxing authority, for instance, because they don't like your status declaration or the way you filled out a tax form, then we recommend using the following to respond:

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

If a court responds to your status declaration or determination by calling it “frivolous” or you expect that they will, we recommend the following resources:

1. *Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002- this form defines the word “frivolous” as “truthful, accurate, and consistent with prevailing law”.  
<http://sedm.org/Litigation/LitIndex.htm>
2. *Meaning of the Word “Frivolous”*, Form #05.027  
<http://sedm.org/Forms/FormIndex.htm>

## **11 Remedies for government identity theft, compelled association, compelled contracting (franchises), compelled false status declarations**

Having thoroughly established by now that you have an unalienable right to contract, not contract, associate, and disassociate, the last thing we need to discuss are legal remedies provided for those who have been compelled to contract or associate by the government. This type of compulsion usually takes one or more of the following forms:

1. Being compelled to declare a specific status on a government form that you KNOW you do not have.
2. Not being provided with ALL the options available in the status block on a tax withholding form or not being allowed or threatened for submitting the correct form. This includes:
  - 2.1. Being compelled to submit an IRS Form W-4 for withholding instead of the proper IRS Form W-8. See:  
*About IRS Form W-8BEN*, Form #04.202  
<http://sedm.org/Forms/FormIndex.htm>
  - 2.2. Not being provided with the option for “nonresident” or “transient foreigner” in block 3 of the IRS Form W-8. The only option provided for human beings is “individual” and the ONLY individuals are public officers in the U.S. 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. Being compelled to submit a resident tax form as a nonresident. For instance:
  - 3.1. Being compelled to submit an IRS Form 1040, which is a RESIDENT ALIEN tax form, as a condition of parole release for tax convictions when you are a NONRESIDENT.
  - 3.2. Being compelled to submit a driver license application as a NONRESIDENT of federal territory within the state, while only those who are RESIDENTS can lawfully apply.
4. Being compelled or threatened to provide a Social Security Number (SSN) or Taxpayer Identification Number (TIN) that you are NOT even eligible for as a prerequisite to getting a specific government service. See:  
*About SSNs and TINs on Government Forms and Correspondence*, Form #05.012  
<http://sedm.org/Forms/FormIndex.htm>
5. Being compelled to falsely declare yourself a statutory franchisee called a “taxpayer” on a tax form before they will give you any kind of administrative remedy for their violations of your constitutional rights. The withholding of remedies to nontaxpayers constitutes a bill of attainder AND a denial of equal protection of the laws.

### **11.1 False Presumptions About Your Status by Government Actors**

The foundation of American jurisprudence is innocent until proven guilty WITH EVIDENCE:

***The presumption of innocence plays a unique role in criminal proceedings.** As Chief Justice Burger explained in his opinion for the Court in *Estelle v. Williams*, [425 U.S. 501](#) (1976): [507 U.S. 284]:*

***The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice.** Long ago this Court stated:*

*The principle that there is a presumption of innocence in favor of the accused is the undoubted law, axiomatic and elementary, and its enforcement lies at the foundation of the administration of our criminal law. *Coffin v. United States*, 156 U.S. 432, 453 (1895).*

*To implement the presumption, courts must be alert to factors that may undermine the fairness of the factfinding process. In the administration of criminal justice, courts must carefully guard against dilution of the principle*

that guilt is to be established by probative evidence and beyond a reasonable doubt. In re Winship, [397 U.S. 358, 364](#) (1970). [\[425 U.S. 501, 504\]](#)  
[Delo v. Lashely, 507 U.S. 272 (1993)]

The above presumption of innocence certainly applies in criminal tax proceedings.

In the context of government administrative enforcement, which is always civil in nature, government actors may not make any presumptions which impair constitutionally protected rights:

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

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

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"The power to create presumptions is not a means of escape from constitutional restrictions,"  
[[New York Times v. Sullivan, 376 U.S. 254 \(1964\)](#)]

Also, no statute may implement a permanent irrebuttable presumption:

**"Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process Clauses of the Fifth and Fourteenth Amendments.** In [Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 \(1932\)](#), the Court was faced with a constitutional challenge to a federal statute that created a conclusive presumption that gifts made within two years prior to the donor's death were made in contemplation of death, thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to rebut it violates the due process clause of the Fourteenth Amendment.' *Id.*, at 329, 52 S.Ct., at 362. See, e.g., [Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 \(1926\)](#); [Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 \(1931\)](#). See also [Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 \(1943\)](#); [Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 \(1969\)](#). Cf. [Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 \(1970\)](#).  
[Vlandis v. Kline, 412 U.S. 441 (1973)]

We emphasize that presumptions are NEITHER legally admissible evidence nor can they act as a SUBSTITUTE for legally admissible evidence. Every attempt to violate this requirement is a violation of due process of law. See:

<p><u>Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction</u>, Form #05.017 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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## 11.2 **Burden of Proof Upon the Government in Civil Enforcement Proceedings**

The implications of the preceding section relating to presumptions are the following burden of proof upon government actors in the context of all civil enforcement proceedings:

1. Your property is presumed to be PRIVATE until the GOVERNMENT proves with evidence that you expressly and lawfully consented (on federal territory where inalienable rights do not exist) to convert it or some portion of it to PUBLIC. That means:
  - 1.1. You have a right to exclude EVERYONE else, including government, from using or benefitting from the use of your exclusively or absolutely owned PRIVATE 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)]

1 "In this case, we hold that the "right to exclude," so universally held to be a fundamental element of the  
2 property right,<sup>[11]</sup> falls within this category of interests that the Government cannot take without  
3 compensation."  
4 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

5 [11] See, e. g., United States v. Pueblo of San Ildefonso, 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);  
6 United States v. Lutz, 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, "[a]n essential element  
7 of individual property is the legal right to exclude others from enjoying it." International News Service v.  
8 Associated Press, 248 U.S. 215, 250 (1918) (dissenting opinion).

- 9 1.2. They must demonstrate that it was lawfully converted from PRIVATE to PUBLIC by one of the following  
10 documented methods:

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

- 20 1.3. The above is summarized in the following:

21 "All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government  
22 or the CIVIL law unless and until the government meets the burden of proving, WITH EVIDENCE, on the record  
23 of the proceeding that:

- 24 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.  
25 2. The owner was domiciled on federal territory NOT protected by the Constitution and therefore had the legal  
26 capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect  
27 and protect the right. Those domiciled in a constitutional but not statutory state and who are "citizens" or  
28 "residents" protected by the constitution cannot alienate rights to a real, de jure government.  
29 3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be  
30 operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and  
31 which is therefore NOT protected by official, judicial, or sovereign immunity.

- 32 1.4. If the government insists that it is not bound by the above requirements or property law, then they:

- 33 1.4.1. Have become "anarchists".  
34 1.4.2. Are imputing superior or supernatural powers above everyone else to themselves.  
35 1.4.3. Are Establishing an unconstitutional "Title of Nobility" to the term "U.S. Inc".  
36 1.4.4. Are making themselves the object of religious obedience and worship, as the source of the supernatural  
37 powers. "Taxes" are the tithes to a state-sponsored church.

- 38 1.5. More on the above subject can be found at:

39 Separation Between Public and Private, Form #12.025  
40 <http://sedm.org/Forms/FormIndex.htm>

- 41 2. You are presumed to NOT BE LEGALLY ABLE to consent to anything a government wants to do to you any place  
42 other than on federal territory and in the context of your contractual obligations towards government.

- 43 2.1. This is the true significance of an "inalienable right" as described in the Declaration of Independence, which is  
44 organic law enacted in the first official act of Congress on page 1 of the Statutes at Large:

45 "We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator**  
46 **with certain unalienable Rights**, that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
47 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
48 - "  
49 [Declaration of Independence]

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

- 52 2.2. The reason consent can lawfully be given on federal territory is because there are not constitutional rights to  
53 protect there:



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

- 17 3. You are presumed to exclusively own your own body and all the fruits of that body and EXPRESSLY consent to share  
18 ownership and control with NO ONE until the GOVERNMENT proves you consented to give up a portion of that  
19 ownership. That consent can only lawfully (INALIENABLE RIGHTS) be given on federal territory and relate to  
20 property physically situated there. Otherwise, you are engaging in involuntary servitude in violation of the Thirteenth  
21 Amendment and aiding the government in violating the Declaration of Independence requirement for the CONSENT  
22 of the governed.

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

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

- 43 4. You are presumed to be PRIVATE until the GOVERNMENT proves you consented to become PUBLIC. The purpose  
44 of establishing government is to protect PRIVATE property, according to the Declaration of Independence. The first  
45 step in providing that protection is to prevent the conversion of PRIVATE property into PUBLIC property without the  
46 express consent of the owner. It is a violation of fiduciary duty for a public officer to undermine this protection:

47 “As expressed otherwise, the powers delegated [delegated by the Constitution and all statutes enacted in  
48 furtherance of it] to a public officer are held in trust for the people and are to be exercised in behalf of the  
49 government or of all citizens who may need the intervention of the officer.”<sup>24</sup> Furthermore, the view has been  
50 expressed that all public officers, within whatever branch and whatever level of government, and whatever be  
51 their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition  
52 imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.  
53 <sup>25</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she

<sup>24</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>25</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

1 serves.<sup>26</sup> and owes a fiduciary duty to the public.<sup>27</sup> It has been said that the fiduciary responsibilities of a  
2 public officer cannot be less than those of a private individual.<sup>28</sup> Furthermore, it has been stated that any  
3 enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of  
4 security for individual rights is against public policy.<sup>29</sup>  
5 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

- 6 5. You are presumed to be a STATUTORY “nonresident” until the national GOVERNMENT as moving party proves that  
7 you are domiciled or physically present on federal territory.

8 “The government thus lays a tax, through the [GOVERNMENT] instrumentality [PUBLIC OFFICE] of the  
9 company [a FEDERAL and not STATE corporation], upon the income of a non-resident alien over whom it  
10 cannot justly exercise any control, nor upon whom it can justly lay any burden.”  
11 [United States v. Erie R. Co., 106 U.S. 327 (1882)]

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

16 Foreign Laws: “The laws of a foreign country or sister state. In conflicts of law, the legal principles of  
17 jurisprudence which are part of the law of a sister state or nation. Foreign laws are additions to our own laws,  
18 and in that respect are called ‘jus receptum’.”  
19 [Black’s Law Dictionary, Sixth Edition, p. 647]

20 “The United States Government is a foreign corporation with respect to a state.” [N.Y. v. re Merriam 36 N.E.  
21 505, 141 N.Y. 479, affirmed 16 S.Ct. 1073, 41 L.Ed. 287]  
22 [19 Corpus Juris Secundum (C.J.S.), Corporations, §884 (2003)]

- 23 5.1. Everything OUTSIDE the above “foreign corporation” is legislatively foreign from a civil statutory perspective.  
24 To become “domestic” requires that one must become a public officer within the corporation and therefore  
25 LEGALLY but not PHYSICALLY within that corporate fiction. That is also why the ONLY definition of  
26 “foreign” within the Internal Revenue Code relates to corporations.  
27 5.2. This is a product of the separation of powers doctrine.  
28 5.3. Federal Rule of Civil Procedure 17 says the civil law which is applicable is that of your legislatively foreign  
29 domicile, meaning state law. All law is prima facie territorial:

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

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

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

40 “The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be  
41 confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate  
42 power. ‘All legislation is prima facie territorial.’ Ex parte Blain, L. R. 12 Ch.Div. 522, 528; State v. Carter, 27  
43 N.J.L. 499; People v. Merrill, 2 Park.Crim.Rep. 590, 596. Words having universal scope, such as ‘every

<sup>26</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>27</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S Ct 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>28</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>29</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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]

6. You are presumed to be a "non-taxpayer" until the GOVERNMENT proves that you are a STATUTORY "taxpayer" as defined in 26 U.S.C. §7701(a)(14) domiciled on federal territory or representing a public office that is so domiciled under Federal Rule of Civil Procedure 17.
7. You are presumed to be CONSTITUTIONAL person (meaning a man or woman) if you have a state mailing address and therefore NOT a STATUTORY "person" under most acts of national Congress. Nearly all statutory persons under ordinary acts of Congress are fictions of law and AGENTS AND OFFICERS OF THE NATIONAL GOVERNMENT.

*"All the powers of the government [including ALL of its enforcement powers] 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)]

*"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)]

"The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can act [AND ENFORCE!] only through its agents, "[t]he State is a political corporate body, can act only through agents, and can command only by laws." Poindexter v. Greenhow, supra, 114 U.S., at 288, 5 S.Ct. at 912-913. See also Black's Law Dictionary 159 (5th ed. 1979) ("Body politic or corporate": "A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good"). As a "body politic and corporate," a State falls squarely within the Dictionary Act's definition of a "person."  
[Will v. Michigan Dept. of State Police, 491 U.S. 58, 109 S.Ct. 2304 (U.S.Mich.,1989)]

For extensive proof that civil statutory laws only apply to officers or agents of the state, see:

- 7.1. Proof That There is a "Straw Man", Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>
- 7.2. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>

Any attempt by a government to violate the above presumptions by treating you AS IF they are untrue should be forcefully challenged. The Path to Freedom, Form #09.015, Section 2 process ensures that all the above presumptions are established in your administrative record before any disputes or illegal enforcement occur, thus making any violation willful and knowing on the part of any and every government actor. That is why we insist on completing the Path to Freedom, Form #09.015, Section 2 process before you may engage us to help you with the "use" of our "tax information or services" in interacting with the de facto government. This ensures that you win the presumption war before the battle even begins.

### **11.3 Prosecuting government identity theft**

1. Everyone who claims to be enforcing any government law is, by definition, a government actor, even if they work for an otherwise private entity. See:
  - 1.1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>
  - 1.2. Proof That There is a "Straw Man", Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>
2. If you are being told by a private company that you have to comply with a specific law, fill out a specific form, or fill it out in a specific way, and especially if they invoke a statute as authority for their demand, then:
  - 2.1. They are a government actor AND are trying to compel you to become one as well.
  - 2.2. If you are physically on land protected by the Constitution, they must OBEY the constitution even as a private company. This is proven by the State Action Doctrine of the U.S. Supreme Court.
3. Deception on government forms and rigging forms are the main method for committing government identity theft and changing your civil status without your consent. These abuses are described in:

*Avoiding Traps in Government Forms*, Form #12.023

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

4. The most prevalent type of government deception on government forms is to abuse “words of art” to deceive the hearer using “legalese”. This deception is exhaustively described in:

*Legal Deception, Propaganda, and Fraud*, Form #05.014

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

5. The following memorandum of law proves that any attempt to change your civil status without your consent is a criminal act of identity theft. It also provides remedies and tools for prosecuting such crimes.

*Government Identity Theft*, Form #05.046

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

6. Criminal conflicts of interest by government prosecutors, judges, jurists, administrators is the MAIN thing that protects the above types of abuses. If you want to ensure that you get a remedy for government identity theft, you MUST file criminal complaints you’re your legal pleadings to FORCE the conflicted parties to speak about and prosecute their own attempts to interfere with remedies for the above. If not, judges are much more likely to criminally obstruct justice, censor the court record, censor you, and interfere with remedy. See:

*Government Corruption: Causes and Remedies*, Form #12.026

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

## 11.4 Administrative remedies

The main administrative remedy for preventing compulsion and preventing misrepresenting your status on government forms submitted to private third parties is to:

1. Keep in mind that most government forms are signed under penalty of perjury and therefore constitute “testimony of a witness”. Warn the person instituting the duress of the criminal consequences of tampering with, influencing, or threatening such witnesses. Any attempt to influence, threaten, or intimidate the filer constitutes:
  - 1.1. Perjury in violation of 18 U.S.C. §1542, 18 U.S.C. §911, 18 U.S.C. §1001, and 18 U.S.C. §1621.
  - 1.2. Conspiracy to commit perjury.
  - 1.3. Criminal witness tampering in violation of 18 U.S.C. §1512 and state law.
2. Write on the form you are compelled to submit or sign

*“Not valid, false, perjurious, and fraudulent without the following signed attachment included.”*

3. Including the appropriate attachment to the form from our website. For instance:

- 3.1. For compelled use of Social Security Numbers, include the following attachment:

*Why It is Illegal for Me to Request or Use a Social Security Number*, Form #04.205

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

- 3.2. For forms that ask for your citizenship, domicile, or “permanent address”, include the following attachment:

*Affidavit of Citizenship, Domicile, and Tax Status*, Form #02.001

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

- 3.3. For tax forms, include the following attachment:

*Tax Form Attachment*, Form #04.201

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

- 3.4. For submissions to judicial tribunals, include the following attachment to the initial response or complaint:

*Citizenship, Domicile, and Tax Status Options and Relationships*, Form #10.003

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

4. If they refuse to accept the submission above with the attachment, delay the submission and sent it to them certified mail with a proof of service several days BEFORE the in-person submission, and indicate that this submission replaces and is included by reference in ALL future submissions to them, and that a refusal to do so is a criminal conspiracy to commit perjury. Wait until you get the proof of service back and then go in and submit it in person. This will generate legal evidence of their conspiracy against your rights that you can use to procure judicial remedies described in the next section.

As far as developing the same kind of evidence in your direct interactions with the government, the following forms accomplish this as a mandatory part of the process of becoming a member. See *Path to Freedom*, Form #09.015, Section 2:

1. Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States, Form #10.001  
<http://sedm.org/Forms/FormIndex.htm>
2. Resignation of Compelled Social Security Trustee, Form #06.002  
<http://sedm.org/Forms/FormIndex.htm>

In conclusion, for further details on the content of this section, see:

1. Avoiding Traps in Government Forms, Form #12.023 -common methods of committing identity theft using government forms  
<http://sedm.org/Forms/FormIndex.htm>
2. Path to Freedom, Form #09.015, Section 5.4-mandates that you MUST define all terms on government forms to leave NO ROOM for a covetous public servant to PRESUME anything.  
<http://sedm.org/Forms/FormIndex.htm>
3. Requirement for Consent, Form #05.003, Sections 9.1 and 11.2 – describes how to use the UCC to undermine the illegal or non-consensual enforcement of any government franchise.  
<http://sedm.org/Forms/FormIndex.htm>
4. Federal and State Tax Withholding Options for Private Employers, Form #09.001, Section 24  
<http://sedm.org/Forms/FormIndex.htm>
5. Socialism: The New American Civil Religion, Form #05.016, Section 16 –shows how to undermine the civil religion of socialism using the beast’s own forms.  
<http://sedm.org/Forms/FormIndex.htm>

## 11.5 Judicial remedies

On a basic level, any and every attempt to connect an otherwise EXCLUSIVELY PRIVATE human being to a civil status that they do not consent to violates every state constitution in the country because it converts PRIVATE rights and property into PUBLIC rights, property and franchises without the consent of the owner and therefore constitutes:

1. Eminent domain without compensation. Eminent domain without compensation violates every state compensation.
2. A violation of due process of law if officiated by a franchise court against a non-franchisee. There is no due process of law in a franchise court AND it is THEFT for a franchise court to hear a case against a non-franchisee. All they technically are allowed to do is DISMISS the case for lack of jurisdiction and NOT impair any of the rights of the non-franchisee.
3. THEFT, larceny, and even grand theft, because the economic value of the rights and property it usurps possession of is extreme.

Remedies for the above crimes and thefts vary based on the forum one intends to litigate. First of all we will summarize the main constraints to any remedy as we understand them:

1. 42 U.S.C. §1983 is only useful as a remedy against actors of a constitutional state who have deprived you of a constitutional right, meaning a right guaranteed by the Bill of Rights.
  - 1.1. The right must be vindicated ONLY in a federal court. The remedy is NOT available in state court.
  - 1.2. The remedy is NOT available against federal government actors.
  - 1.3. For further information, see:

Section 1983 Litigation, Litigation Tool #08.008  
<http://sedm.org/Litigation/LitIndex.htm>

2. Bivens Actions are only useful in the case of wrongful search or seizure by federal actors in violation of the Fourth Amendment. They are not available against state actors. See *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
3. The first eight amendments to the United States Constitution are the ONLY thing needed to be cited as authority to civilly sue a federal actor who violated your constitutional rights. According to the U.S. Supreme Court, these amendments are “self-executing”, meaning that no federal statute need be invoked to avail oneself of their protections.

*The design of the Fourteenth Amendment has proved significant also in maintaining the traditional separation of powers 524\*524 between Congress and the Judiciary. **The first eight Amendments to the Constitution set forth self-executing prohibitions on governmental action, and this Court has had primary authority to interpret those prohibitions.** The Bingham draft, some thought, departed from that tradition by vesting in Congress primary power to interpret and elaborate on the meaning of the new Amendment through legislation. Under it, "Congress,*



and not the courts, was to judge whether or not any of the privileges or immunities were not secured to citizens in the several States." *Flack, supra*, at 64. While this separation-of-powers aspect did not occasion the widespread resistance which was caused by the proposal's threat to the federal balance, it nonetheless attracted the attention of various Members. See *Cong. Globe*, 39th Cong., 1st Sess., at 1064 (statement of Rep. Hale) (noting that Bill of Rights, unlike the Bingham proposal, "provide[s] safeguards to be enforced by the courts, and not to be exercised by the Legislature"); *id.*, at App. 133 (statement of Rep. Rogers) (prior to Bingham proposal it "was left entirely for the courts . . . to enforce the privileges and immunities of the citizens"). As enacted, the Fourteenth Amendment confers substantive rights against the States which, like the provisions of the Bill of Rights, are self-executing. Cf. *South Carolina v. Katzenbach*, 383 U.S., at 325 (discussing Fifteenth Amendment). The power to interpret the Constitution in a case or controversy remains in the Judiciary. [*City of Boerne v. Flores*, 521 U.S. 507 (1997)]

4. Federal civil statutory law is limited to federal territory and those domiciled or resident on federal territory wherever physically situated. To cite or use any portion of it as a remedy while domiciled within a constitutional state is to:
  - 4.1. Confer unwarranted and unconstitutional jurisdiction to the court.
  - 4.2. Contradict yourself if you used the constitution as a basis to sue.
  - 4.3. Change the choice of law to federal law under Federal Rule of Civil Procedure 17 and remove all state law from consideration.
  - 4.4. For further details, see:
    - 4.4.1. *Federal Jurisdiction*, Form #05.018  
<http://sedm.org/Forms/FormIndex.htm>
    - 4.4.2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<http://sedm.org/Forms/FormIndex.htm>
5. The common law (case law) or the constitution are the only thing that can be cited as authority by a state domiciled exclusively private party.
  - 5.1. All cases cited MUST involve those similarly situated as you, meaning domiciled within a constitutional but not statutory "State", and not subject to federal civil law.
  - 5.2. Any citation of any other case constitutes kidnapping, misuse of case law for political purposes, and a violation of due process of law.

We have prepared the following table listing identity theft criminal statutes for all 50 states. You can use these as a start for your remedy:

**Table 1: Criminal Identity Theft Statutes by Jurisdiction**

JurName	AuthorityTypes.AuthTitle	LegalCite
Alabama	Crime: Identity Theft	C.O.A. Title 13A, Article 10
Alaska	Crime: Identity Theft	A.S. § 11.46.160
Arizona	Crime: Identity Theft	A.R.S. §13-2006
California	Crime: Identity Theft	Penal Code §484.1
Colorado	Crime: Identity Theft	C.R.S. §18-5-902
Connecticut	Crime: Identity Theft	C.G.S.A. §53a-129a to 53a-129c
Delaware	Crime: Identity Theft	D.C. Title 11, Section 854
Florida	Crime: Identity Theft	F.S. §817.568, 831.29
Georgia	Crime: Identity Theft	O.C.G.A. §16-9-121
Hawaii	Crime: Identity Theft	H.R.S. §708-839.6
Illinois	Crime: Identity Theft	720 ILCS 5/16-30
Indiana	Crime: Identity Theft	I.C. §35-43-5-3.5
Iowa	Crime: Identity Theft	I.C. §714.16B
Kansas	Crime: Identity Theft	K.R.S. §21-4018
Kentucky	Crime: Identity Theft	K.R.S. §514.160;K.R.S. §532.034
Louisiana	Crime: Identity Theft	RS §14:67.16
Maine	Crime: Identity Theft	17-A M.R.S. §905-A
Maryland	Crime: Identity Theft	M.C. §8-301
Massachusetts	Crime: Identity Theft	266 G.L.M. §37E
Minnesota	Crime: Identity Theft	M.S. § 609.527

JurName	AuthorityTypes.AuthTitle	LegalCite
Mississippi	Crime: Identity Theft	M.C. §97-19-85, 97-45-19
Missouri	Crime: Identity Theft	M.R.S. §570.223
Montana	Crime: Identity Theft	M.C.A. §§ 45-6-332
Nebraska	Crime: Identity Theft	N.R.S. §28-639
New Hampshire	Crime: Identity Theft	N.H.R.S. §638:26
New Jersey	Crime: Identity Theft	N.J.S.A. §2C:21-17
New Mexico	Crime: Identity Theft	N.M.S.A. §30-16-21.1; N.M.S. §30-16-24.1
New York	Crime: Identity Theft	General Business Code 380-S; Penal Code §190.78
North Carolina	Crime: Identity Theft	N.C.G.S. §14-113.20
Ohio	Crime: Identity Theft	O.R.C. §2913.49
Oklahoma	Crime: Identity Theft	21 O.S. § 1533.1
Oregon	Crime: Identity Theft	O.R.S. §165.803
Pennsylvania	Crime: Identity Theft	18 Pa.C.S.A. §4120
Rhode Island	Crime: Identity Theft	G.L.R.I. §11-18-20.1, 11-49.1-3
South Carolina	Crime: Identity Theft	S.C.C.O.L. §16-13-450, 510
South Dakota	Crime: Identity Theft	S.D.C.L. §22-40-8
Tennessee	Crime: Identity Theft	T.C. §39-14-150, 39-16-303
Texas	Crime: Identity Theft	Penal Code §32.51
Utah	Crime: Identity Theft	U.C. §76-6-1105
Virginia	Crime: Identity Theft	C.O.V. §18.2-186.3
Washington	Crime: Identity Theft	R.C.W. §9.35.020, 9A.58.020
West Virginia	Crime: Identity Theft	W.V.C. § 61-3-54
Wisconsin	Crime: Identity Theft	W.S. § 943.201
Wyoming	Crime: Identity Theft	W.S. § 6-3-901, 6-3-615

If you would like more information about remedies useful in prosecuting compelled association or contracting, or in being compelled to assume a franchise status that you don't consent to, please see:

1. *Legal Remedies that Protect Private Rights Course*, Form #12.019  
<http://sedm.org/Forms/FormIndex.htm>
2. *Civil Causes of Action*, Litigation Tool #10.012  
<http://sedm.org/Litigation/LitIndex.htm>
3. *Common Law Practice Guide*, Litigation Tool #10.013  
<http://sedm.org/Litigation/LitIndex.htm>
4. *Enumeration of Unalienable Rights*, Form #10.002  
<http://sedm.org/Forms/FormIndex.htm>

## 12 Conclusions

This section summarizes the findings of this document:

1. The foundation of all free government is the consent of the governed, according to the Declaration of independence. The Declaration of Independence is LAW, because it was published in Volume 1 of the Statutes At Large as law in the very first enactment of Congress. It is NOT just "policy" that can be violated.

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

2. There are things that YOU AREN'T ALLOWED BY LAW to consent to. This includes any and all attempts to surrender any constitutional right to a government when standing on land protected by the Constitution. See:

*Requirement for Consent*, Form #05.003, Section 7

3. Any attempt within a state of the Union to offer or enforce franchises is a direct violation of the Declaration of Independence because:
  - 3.1. It is an attempt to alienate rights that are supposed to be inalienable.
  - 3.2. It makes a profitable business out of alienating rights that are supposed to be inalienable.
  - 3.3. It creates a criminal financial conflict of interest and a breach of fiduciary duty in the government.
  - 3.4. It encourages government identity theft through the abuse of "words of art".
4. The consent of the governed is the origin of the great divide between civil and criminal law:
  - 4.1. Criminal laws do not require your consent to enforce. If you hurt someone, then you are subject to the criminal laws whether you have a domicile in the forum or not.
  - 4.2. Civil laws require a choice of domicile within the jurisdiction of a specific government in order to enforce against you. Enforcing the civil laws against persons not domiciled within a jurisdiction can and often does result in a violation of due process of law and a void judgment.
5. Choosing a civil domicile within a specific government is how one:
  - 5.1. Becomes a "subject" under the civil statutory law.
  - 5.2. Surrenders sovereign immunity pursuant to 26 U.S.C. §1603(b)(3).
  - 5.3. Changes their statutory status from a "nonresident" to a "citizen" or "resident".
  - 5.4. Changes their statutory status from a "transient foreigner" to a civil statutory "person" or "inhabitant".
  - 5.5. Acquires the ability to enforce the civil obligations associated with a specific government franchise.
6. One cannot be coerced to select or have a domicile in any specific place and if they do, the government of that place is:
  - 6.1. Exercising a taking in violation of the Fifth Amendment.
  - 6.2. Engaging in identity theft and kidnapping.
7. All CIVIL statutory terms TO WHICH OBLIGATIONS AND PRIVILEGES attach are limited to territory over which Congress has EXCLUSIVE GENERAL jurisdiction. All of the statuses TO WHICH CIVIL STATUTORY OBLIGATIONS AND PRIVILEGES ATTACH indicted in the statutes (including those in 8 U.S.C. §§1401 and 1408) STOP at the border to federal territory and do not apply within states of the Union. You cannot have a civil status in a place that you are not civilly domiciled, and especially a status that you do NOT consent to and to which rights and obligations attach. Otherwise, the Declaration of Independence is violated because you are subjected to obligations that you didn't consent to and are therefore a slave.
8. As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state.
  - 8.1. The states of the Union are NOT "territory" as defined, and therefore, all of the CIVIL STATUSES found in Title 8 of the U.S. code CONNECTED WITH UNITED STATES TERRITORY AND DOMICILIARIES do not extend into or relate to anyone civilly domiciled in a constitutional state, regardless of what the definition of "United States" is and whether it is GEOGRAPHICAL or GOVERNMENT sense.
  - 8.2. As held by the U.S. Supreme Court in License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866), Congress cannot lawfully offer or extend any federal franchise or the statuses that enforce it into a foreign jurisdiction such as a state of the Union. If it does, it is engaging in a "commercial invasion" in violation of Article 4, Section 4 of the United States Constitution. That is why a public offices, which are a franchise, are limited by 4 U.S.C. §72 to being exercised ONLY in the District of Columbia and NOT ELSEWHERE.
  - 8.3. It is a violation of the legislative intent of the constitution and criminal activity to:
    - 8.3.1. Make an ordinary CONSTITUTIONAL and PRIVATE citizen into a PRIVATE officer in the government.
    - 8.3.2. Pay PUBLIC monies or "benefits" to ordinary PRIVATE CITIZENS.
    - 8.3.3. Bribe or entice and PRIVATE human to become a PUBLIC OFFICER in exchange for "benefits". This would eliminate all PRIVATE property and replace a CONSTITUTIONAL government with a gigantic, corporate monopoly and employer of EVERYONE in violation of the Sherman Anti-Trust Act.
9. Examples of civil disputes that are governed by civil statutory law from one's voluntary choice of domicile include:
  - 9.1. Marriage licenses.
  - 9.2. Income tax.
  - 9.3. Contract disputes between you and the government.
  - 9.4. Government benefits, such as Social Security, Medicare, Unemployment, etc.
10. The right to make determinations about or changes in the civil status of someone originates from one's voluntary choice of domicile. See the above.
  - 10.1. That authority is delegated to a specific government by your choice of domicile.

*"It is plain that every state has the right to determine the status or domestic or social condition of persons domiciled within its territory." Hunt v. Hunt, 72 N. Y. 217, 227; Strader v. Graham, 10 How. 82. "Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern. The parties cannot consent to the change*

1 of status, and the judgment is not binding in a third country.” Black, Jur. § 77. When the Texas proceeding was  
2 instituted the respondent and her child were transiently in that state, upon a temporary occasion, and with the  
3 intention of returning to their domicile in New York. “Though a state may have a right to declare the condition  
4 of all persons within her limits, the right only exists while that person remains there. She has not the power of  
5 giving a condition or status that will adhere to the person everywhere, but upon his return to his place of  
6 domicile he will occupy his former position.” Maria v. Kirby, 12 B.Mon. 542, 545,- a case in which the decision  
7 is an adjudication of the precise point in controversy.  
8 [People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. (1898)]

9 10.2. The authority of the government is delegated by we the people.

10 10.3. If you never delegated the authority to make declarations of status by choosing a domicile within any government,  
11 then you MUST have reserved it to yourself.

- 12 11. What makes a state or government “foreign” is the fact that you don’t have a domicile within their jurisdiction AND are  
13 not consensually engaged in a public office or contract with them. It is an injury to your sovereignty for a “foreign state”  
14 to determine your civil status.

15 “Every nation may determine the status of its own domiciled subjects, and **any interference by foreign tribunals**  
16 would be an officious intermeddling with a matter in which they have no concern.”

- 17 12. When you are physically in a state or jurisdiction or venue other than the one in which you are domiciled, all status  
18 declarations made by the state or government at the place of your domicile are nonbinding on the foreign jurisdiction  
19 that you are physically in.

- 20 13. The words you use to describe and declare your status in a legal setting may be characterized as:

21 13.1. An exercise of your right to politically or legally associate protected by the First Amendment.

22 13.2. An exercise of your right to contract protected by Article 1, Section 10 of the Constitution if the status carries with  
23 it obligations under any system of civil law.

24 13.3. An exercise of your right to speak, to not speak, and to define the significance of the words you use that is protected  
25 by the First Amendment.

- 26 14. Any attempt by an officer or agent of the government to describe you with any civil status other than what you describe  
27 yourself under the civil law or to enforce any of the legal obligations associated with that status constitutes:

28 14.1. Involuntary servitude in violation of the Thirteenth Amendment.

29 14.2. A violation of your right to contract, by compelling you to contract with the party who is advantaged by the status.

30 14.3. Compelled association, by compelling you to associate politically, legally, or both with the “state” or government  
31 associated with that status.

- 32 15. You can declare or acquire a new status:

33 15.1. Expressly either in writing or vocally. For instance, they could fill out a government application for benefits and  
34 thereby declare themselves to be a franchisee under the laws that administer the franchise.

35 15.2. Impliedly by their decision to accept a government “benefit”.

36 CALIFORNIA CIVIL CODE  
37 DIVISION 3. OBLIGATIONS  
38 PART 2. CONTRACTS  
39 CHAPTER 3. CONSENT  
40 [Section 1589](#)  
41

42 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations  
43 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

- 44 16. Once you acquire a given legal status under the terms of a franchise or contract, that status can be changed usually only  
45 by:

46 16.1. The consent of all parties consistent with the contract or franchise itself.

47 16.2. One or more parties proving a misrepresentation of the contract and resulting injury to the victimized party which  
48 warrants termination of the contract for fraud.

49 16.3. One or more parties demonstrating the existence of duress.

50 “An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party  
51 coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to  
52 execute the agreement as the state of mind induced.”<sup>30</sup> Duress, like fraud, rarely becomes material, except where  
53 a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the

<sup>30</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

contract or conveyance voidable, not void, at the option of the person coerced,<sup>31</sup> and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>32</sup> However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.<sup>33</sup> [American Jurisprudence 2d, Duress, §21 (1999)]

17. A contract which conveys a new status is not enforceable unless it conveys MUTUAL consideration or benefits and obligations to both parties. If only one party receives consideration, then the change of status cannot be considered enforceable.

**Contract.** An agreement between two or more [sovereign] persons which creates an obligation to do or not to do a particular thing. As defined in Restatement, Second, Contracts §3: "A contract is a promise or a set of promises for the breach of which the law gives a remedy, or the performance of which the law in some way recognizes as a duty." A legal relationships consisting of the rights and duties of the contracting parties; a promise or set of promises constituting an agreement between the parties that gives each a legal duty to the other and also the right to seek a remedy for the breach of those duties. **Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration.** Lamoureux v. Burrillville Racing Ass'n, 91 R.I. 94, 161 A.2d. 213, 215.

Under U.C.C., term refers to total legal obligation which results from parties' agreement as affected by the Code. Section 1-201(11). As to sales, "contract" and "agreement" are limited to those relating to present or future sales of goods, and "contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. U.C.C. §2-106(a).

The writing which contains the agreement of parties with the terms and conditions, and which serves as a proof of the obligation  
[Black's Law Dictionary, Sixth Edition, p. 322]

18. In law, all government franchises behave as contracts or at least oral or "parole" agreements:

As a rule, **franchises spring from contracts between the sovereign power and private citizens**, made upon valuable considerations, for purposes of individual advantage as well as public benefit,<sup>34</sup> and thus a franchise partakes of a double nature and character. So far as it affects or concerns the public, it is publici juris and is subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. **But when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental control growing out of its other nature as publici juris.**<sup>35</sup>  
[American Jurisprudence 2d, Franchises, §4: Generally (1999)]

19. All government franchises are enforced with civil statutory law. Therefore:
- 19.1. You cannot maintain a specific status under a franchise agreement without also having a domicile within the exclusive jurisdiction of the government grantor of the franchise.
- 19.2. When the domicile extinguishes in the territory the franchise is offered, the obligations under the franchise ALSO extinguish with it. If they don't, the government offering the franchise is NOT acting as a government, but a PRIVATE corporation in equity. If the government interferes with your ability to extinguish the civil status, they are engaging in an unconstitutional taking of property in violation of the Fifth Amendment.
- 19.3. It is a violation of due process of law and of the Minimum Contacts Doctrine to enforce franchises against parties domiciled outside of the territory of the government grantor of the franchise.

<sup>31</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>32</sup> Fiske 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)

<sup>33</sup> Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

<sup>34</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

<sup>35</sup> Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.



19.4. Any government enforcing the terms of a franchise against nonresident parties must satisfy the Minimum Contacts Doctrine against the object of their enforcement.

20. Those wishing to challenge a status determination of a government agent or officer in conflict with their wishes may challenge that determination by showing that:

20.1. One or more of the parties to the contract or franchise lacked the capacity to enter into the contract because, for instance, they were either not sui juris or had no delegated authority to do so if they were acting in a representative capacity on behalf of another.

20.2. They are injured by the status.

20.3. Duress existed in the contract or application that gave rise to the status.

20.4. No consideration was conveyed which made the contract enforceable that gave rise to the change in status.

21. Every attempt to change your civil status without your express consent is a criminal act of identity theft. For documentation on how to prove you are the victim of such a crime and how to prosecute it, see:

*Government Identity Theft*, Form #05.046

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

22. Those who are victims of identity theft, who are nonresident to the franchise grantor, or who cannot lawfully participate in an extraterritorial franchise of a foreign entity DO NOT have an obligation to obey the provisions of a franchise to get a remedy to LEAVE it or stop the illegal enforcement directed against them. For instance, those who are not STATUTORY “taxpayers”:

22.1. Do NOT need to exhaust administrative remedies applicable ONLY to statutory “taxpayers”.<sup>36</sup>

22.2. Do NOT need to pay the alleged FRAUDULENTLY enforced tax under the Full Payment Rule of the U.S. Supreme Court before they can challenge it.<sup>37</sup>

22.3. Cannot have the Declaratory Judgments Act, 28 U.S.C. §2201, enforced against them as nonresidents, which interferes with attempts to get a declaratory judgment identifying their proper status. The act DOES NOT apply to foreign domiciled parties born and domiciled within a Constitutional state of the Union.<sup>38</sup>

22.4. Cannot have the Anti-Injunction Act, 26 U.S.C. §7421, enforced against them because they aren’t subject to it.<sup>39</sup>

### 13 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. *Government Identity Theft*, Form #05.046-proves that any attempt to change your civil status without your consent is a criminal act of identity theft. Provides remedies and tools for prosecuting such crimes.

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

2. *Legal Deception, Propaganda, and Fraud*, Form #05.014-the main method of deceiving people on government forms and in statutes is abuse of “words of art”, legalese, and equivocation. Shows how these mechanisms are unlawfully and even CRIMINALLY abused to commit identity theft and transport your legal identity to what Mark Twain called “the District of Criminals”.

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

3. *Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form #10.001-provides a way to change government records describing your citizenship and domicile, restore your PRIVATE status, and restore the protections of the Constitution and common law

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

4. *Declaratory Judgments Act*, 28 U.S.C. §2201

[http://www.law.cornell.edu/uscode/html/uscode28/usc\\_sec\\_28\\_00002201----000-.html](http://www.law.cornell.edu/uscode/html/uscode28/usc_sec_28_00002201----000-.html)

5. *SEDm Liberty University*- Free educational materials for regaining your sovereignty as an entrepreneur or private person

<http://sedm.org/LibertyU/LibertyU.htm>

<sup>36</sup> See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.5.

<sup>37</sup> See *Court Remedies for Sovereigns: Taxation*, Litigation Tool #10.002, Section 6.2; <http://sedm.org/Litigation/LitIndex.htm>.

<sup>38</sup> See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.12.

<sup>39</sup> See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 8.11.