

# PROOF THAT THERE IS A “STRAW MAN”

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## TABLE OF CONTENTS

<b>1</b>	<b>Introduction</b> .....	<b>14</b>
<b>2</b>	<b>WHAT is a “straw man”?</b> .....	<b>15</b>
2.1	Commercial transaction .....	15
2.2	“Agency” .....	19
2.3	Property being acquired or transferred that would otherwise not be allowed or unlawful .....	21
<b>3</b>	<b>HOW is the straw man created?</b> .....	<b>23</b>
<b>4</b>	<b>WHY was the straw man created?</b> .....	<b>29</b>
4.1	Government can’t lawfully impose duties upon private citizens .....	29
4.2	Government can’t lawfully pay public monies to private persons .....	31
4.3	Government can’t lawfully maintain records on private persons without violating their Fourth Amendment Rights .....	43
<b>5</b>	<b>Franchises implemented as trusts are the vehicle used to create the “straw man”</b> .....	<b>48</b>
<b>6</b>	<b>Proof of the existence of the straw man</b> .....	<b>52</b>
6.1	All Government enforcement authority almost exclusively over only the “straw man” .....	52
6.2	Internal Revenue Code, Subtitle A is an Excise Tax Upon the “Straw Man” .....	55
6.3	Definition of “income” means earnings of a trust or estate .....	63
6.4	IRS Form 1040 .....	64
6.5	Social Security .....	64
6.6	Federal Rule of Civil Procedure 17 .....	66
6.7	The Privacy Act identifies the “straw man” .....	67
6.8	Taxpayer Identification Numbers Issued to the Straw Man .....	67
6.9	UCC places the Straw Man in the District of Columbia .....	70
6.10	IRS Liens are against the “straw man” .....	71
6.11	All IRS correspondence is directed at the “straw man” and not private persons .....	72
6.12	IRS Withholding Notices Directed at the Straw Man .....	72
<b>7</b>	<b>Legal Actions Against the “Straw Man”</b> .....	<b>73</b>
7.1	Proving consent that creates the “straw man” in court .....	74
7.2	Franchise (property) courts .....	76
7.3	Proceedings against “straw man” are “in rem” .....	77
7.4	Disassociating yourself from the “straw man” on the record of the proceeding .....	80
7.5	Affect of representing the “straw man” on your standing .....	81
7.6	Investigating further .....	83
<b>8</b>	<b>Legal Requirements for Occupying a “Public Office”</b> .....	<b>83</b>
<b>9</b>	<b>How most people are fraudulently deceived into thinking they are the Straw Man</b> .....	<b>87</b>
<b>10</b>	<b>ALL CAPS NAME fallacies</b> .....	<b>91</b>
<b>11</b>	<b>Lawfully Avoiding the Duties of the Straw Man</b> .....	<b>92</b>
11.1	Resignation of Compelled Social Security Trustee .....	92
11.2	IRS Form 56 .....	92
11.3	“Delegation of Authority Order from God to Christians” Form .....	93
11.4	“Why It is Illegal for Me to Request or Use a Taxpayer Identification Number” Form .....	93
11.5	Liening the Straw Man so he can’t do you any harm .....	93
<b>12</b>	<b>Conclusions</b> .....	<b>93</b>
<b>13</b>	<b>Resources for Further Study and Rebuttal</b> .....	<b>97</b>
<b>14</b>	<b>Questions that Readers, Grand Jurors, and Petit Jurors Should be Asking the Government</b> .....	<b>97</b>

## LIST OF TABLES

Table 1: Two methods for taxation .....	34
Table 2: Instances where Taxpayer Identification Number is MANDATORY .....	68

## LIST OF FIGURES

Figure 1: Social Security Card: Back .....	26
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## TABLE OF AUTHORITIES

### **Constitutional Provisions**

Art. III .....	74
Article 1, Section 8, Clause 17 .....	20
Article 1, Section 8, Clause 3 .....	34
Article 4, Section 3, Clause 2 .....	76, 94, 96
Article III .....	76, 96
Bill of Rights .....	36
Federalist Paper No. 79 .....	40
Fourth Amendment .....	43
Section 1 of the Fourteenth Amendment .....	33
Thirteenth Amendment .....	30, 36, 41, 96, 98, 99, 106
United States Constitution, Preamble .....	20

### **Statutes**

1 Stat. 23-24 .....	85
16 Stat. 419 .....	21, 66
18 U.S.C. §§1581, 1593 .....	106
18 U.S.C. §1583 .....	33
18 U.S.C. §1589 .....	33
18 U.S.C. §1593 .....	96
18 U.S.C. §1951 .....	41
18 U.S.C. §1956 .....	41
18 U.S.C. §201(a)(1) .....	24
18 U.S.C. §242 .....	33
18 U.S.C. §247 .....	33
18 U.S.C. §3 .....	41
18 U.S.C. §654 .....	22, 23, 96
18 U.S.C. §876 .....	33
18 U.S.C. §880 .....	33
18 U.S.C. §912 .....	22, 64, 72, 105, 106
26 U.S.C. §§671 to 679 .....	69
26 U.S.C. §§7206, 7207 .....	106
26 U.S.C. §§7701(a)(39) and 7408(d) .....	81
26 U.S.C. §1 .....	60, 64, 68
26 U.S.C. §1(h)(11)(C)(i)(II) .....	69
26 U.S.C. §1313 .....	65, 77, 94
26 U.S.C. §162 .....	64, 69, 74
26 U.S.C. §32 .....	60
26 U.S.C. §3401(c) .....	72, 87, 94, 105, 107
26 U.S.C. §3401(d) .....	87

26 U.S.C. §501(c).....	69
26 U.S.C. §6041(a).....	72
26 U.S.C. §6114.....	69
26 U.S.C. §6331.....	54
26 U.S.C. §6331(a).....	71, 87
26 U.S.C. §643(b).....	64, 74, 87
26 U.S.C. §6671.....	51, 58, 101
26 U.S.C. §6671(b).....	51, 67, 94, 102
26 U.S.C. §6712.....	69
26 U.S.C. §6901.....	63, 72
26 U.S.C. §6903.....	39, 63, 72
26 U.S.C. §7203.....	58
26 U.S.C. §7206.....	23
26 U.S.C. §7206 and 7207.....	72
26 U.S.C. §7207.....	23
26 U.S.C. §7343.....	67, 94, 102
26 U.S.C. §7408(d).....	57, 70
26 U.S.C. §7434.....	23, 72
26 U.S.C. §7441.....	96
26 U.S.C. §7701(a)(1).....	79
26 U.S.C. §7701(a)(10).....	87
26 U.S.C. §7701(a)(14).....	65, 77, 94
26 U.S.C. §7701(a)(16).....	69
26 U.S.C. §7701(a)(26).....	22, 37, 55, 60, 68, 72, 83, 86, 87, 95, 103
26 U.S.C. §7701(a)(30).....	65, 69, 94
26 U.S.C. §7701(a)(31).....	56, 72
26 U.S.C. §7701(a)(39).....	70
26 U.S.C. §7701(a)(9) and (a)(10).....	65, 67, 70, 87, 94
26 U.S.C. §7701(b)(1)(A).....	24, 66, 94
26 U.S.C. §7701(b)(A).....	68
26 U.S.C. §871.....	70
26 U.S.C. §871(b).....	68
26 U.S.C. §871(b)(1).....	64
26 U.S.C. §871(f).....	69
26 U.S.C. §894.....	69
28 U.S.C. §§ 754 and 959(a).....	57
28 U.S.C. §1603(b)(3).....	77
28 U.S.C. §1605.....	77
28 U.S.C. §3002(15)(A).....	38, 64, 67
28 U.S.C. §453.....	76
31 U.S.C. §5331.....	43
4 U.S.C. §105-113.....	51
4 U.S.C. §110(d).....	87
4 U.S.C. §72.....	20, 37, 56, 65, 68, 84, 95, 105
44 U.S.C. §1508.....	53
44 U.S.C. §3412.....	73
48 U.S.C. §1612.....	86
5 U.S.C. §2105.....	20, 72, 94, 106
5 U.S.C. §552.....	53
5 U.S.C. §552a.....	65
5 U.S.C. §552a(a)(2).....	35, 44, 65, 87
5 U.S.C. §552a(b).....	45
5 U.S.C. §553(a)(1).....	53
5 U.S.C. §553(a)(2).....	53
8 U.S.C. §1101(a)(3).....	96
8 U.S.C. §1401.....	24, 66, 96
Administrative Procedures Act, 5 U.S.C. §553.....	52

Bank Secrecy Act .....	45, 46, 47
Buck Act of 1940 .....	51
California Civil Code, Section 1589 .....	77
Civ. Code La. art. 2293 .....	16
Declaratory Judgments Act, 28 U.S.C. §2201 .....	80
Declaratory Judgments Act, 28 U.S.C. §2201(a) .....	88
District of Columbia Act of 1871 .....	65
Federal Register Act, 44 U.S.C. §1505 .....	52
House of Representatives, Ex. Doc. 99, 1867 .....	61
I.R.C. (26 U.S.C.) sections 1, 32, and 162 .....	35
I.R.C. §501(c)(3) .....	24
I.R.C. Section 1040 .....	71
I.R.C. Subtitle A .....	54, 81
Internal Revenue Code .....	109
Internal Revenue Code or 1939 .....	51
Internal Revenue Code, Subtitle A .....	37, 39, 40, 46, 55, 67, 81
Internal Revenue Code, Subtitle B .....	71
Privacy Act, 5 U.S.C. §552a .....	44
Privacy Act, 5 U.S.C. §552a(a)(13) .....	35
Public Salary Tax Act of 1939 .....	50
Securities Act of 1933 .....	68
Social Security Act .....	39, 40, 64
Social Security Act, Title 42, Chapter 7 .....	81
Title 42 .....	40
Title 5 of the U.S. Code .....	44
Trust Indenture Act of 1939, 15 U.S.C., Chapter 2A .....	50
U.C.C. §9-307. ....	21
U.C.C. 9-102 .....	26
U.C.C. Section 1-308 .....	28
UCC 9-307 .....	70
Uniform Commercial Code .....	70
Uniform Commercial Code, Sections 3.401, 3.402, and 3.419 .....	27

## Regulations

20 CFR §422.103(d) .....	25, 91, 92
20 CFR §422.104 .....	50
26 CFR §1.1-1(a)(2)(ii) .....	104
26 CFR §1.1-1(c) .....	94
26 CFR §1.1441-1(c)(26) .....	69
26 CFR §1.1441-1(c)(3) .....	79, 87, 94
26 CFR §1.1441-1(e)(5) .....	69
26 CFR §1.1441-1(e)(5)(ii) .....	69
26 CFR §1.1441-4(b)(4) .....	69
26 CFR §1.1441-5(c) .....	69
26 CFR §1.1441-5(e) .....	69
26 CFR §1.1441-6(g)(1) .....	69
26 CFR §1.1461-1(c)(2)(i) .....	69
26 CFR §1.469-9 .....	69
26 CFR §301.6109-1(d)(3) .....	79
26 CFR §301.7701-5 .....	68
26 CFR §31.3401(a)-3(a) .....	72
26 CFR §31.3401(c)-1 .....	72, 87, 94, 105
26 CFR §31.3402(p)-1 .....	72
26 CFR §601.702 .....	53
31 CFR §103.30(d)(2) .....	44
31 CFR §202.2 .....	24, 46, 60

5 CFR §2635.101 .....	59, 63
5 CFR §2635.101(b).....	84
Treasury Regulations.....	109

**Rules**

F.R.Civ.P. 17(b) .....	81
F.R.Civ.P. 17(d) .....	80, 81
Federal Rule of Civil Procedure 17(b) .....	40, 57, 66
Federal Rule of Civil Procedure 17(d) .....	66
Federal Rule of Civil Procedure 8(d) .....	97

**Cases**

A. J. Yawger & Co. v. Joseph, 184 Ind. 228, 108 N.E. 774, 775 .....	16
Allen v. Forrest, 8 Wash 700, 36 P 971.....	75, 101
American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358.....	90
American La France Fire Engine Co., to Use of American La France & Foamite Industries, v. Borough of Shenandoah, C.C.A.Pa., 115 F.2d 886, 867.....	16
Andrews v. Andrews, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366.....	109
Andrews v. O'Grady, 44 Misc.2d 28, 252 N.Y.S.2d 814, 817 .....	19
Arkansas-Missouri Power Co. v. Brown, 176 Ark 774, 4 SW2d 15, 58 ALR 534 .....	75, 100
Aranson v. Murphy, 109 U.S. 238, 3 Sup. Ct. 184, 27 L.Ed. 920.....	82
Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936).....	70, 86, 90
Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936).....	51
Atherton v. Atherton, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, .....	78, 109
Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d 464 (1977) .....	73
Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13 ...	73
Backus v. Lebanon, 11 NH 19.....	75, 101
Baker v. Montana Petroleum Co. 99 Mont 465, 44 P2d 735.....	75, 100
Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212 .....	82
Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed 669, 46 S.Ct. 326.....	17, 108
Benton Harbor v. Michigan Fuel & Light Co. 250 Mich 614, 231 NW 52, 71 ALR 114.....	75, 101
Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427 .....	75, 100
Bliss v. Hoy, 70 Vt. 534, 41 A. 1026 .....	16
Boise Artesian Hot & Cold Water Co. v. Boise City, 230 US 84, 57 L ed 1400, 33 S Ct 997.....	75, 101
Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d 1093 (9th Cir. 1981).....	28
Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).....	40
Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134.....	17, 107
Buckley v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683.....	74
Budd v. People of State of New York, 143 U.S. 517 (1892).....	39, 74, 76, 91, 96
Buffalo Pressed Steel Co. v. Kirwan, 138 Md. 60, 113 A. 628, 630.....	15, 100
Burgin v. Forbes, 293 Ky. 456, 169 S.W.2d 321, 325 .....	88, 107
Calder v. Bull, 3 U.S. 386 (1798).....	34
Caldwell v. Missouri State Life Ins. Co., 148 Ark. 474, 230 S.W. 566, 568.....	16
Caldwell v. Missouri State Life Ins. Co., 230 S.W. 566, 568, 148 Ark. 474 .....	16
Calif. Bankers Assoc. v. Shultz, 416 U.S. 25, 44, 39 L.Ed. 2d 812, 94 S.Ct 1494.....	54
California Bankers Ass'n v. Shultz, 416 U.S. 21,29, 94 S.Ct. 1494 (U.S.Cal. 1974).....	46, 47
California Bankers Ass'n v. Shultz, 416 U.S. 21,55, 94 S.Ct. 1494 (U.S.Cal. 1974).....	45
Camden v. Allen, 2 Dutch., 398 .....	32
Cameron, to Use of Cameron, v. Eynon, 332 Pa. 529, 3 A.2d 423, 424 .....	16
Cargill v. Thompson, 57 Minn. 534,59 N.W. 638.....	87
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 .....	17
Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936) .....	45, 70, 86, 90
Catlett v. Hawthorne, 157 Va. 372, 161 S.E. 47, 48.....	59

Central Transp. Co. v. Pullman's Palace Car Co. 139 US 24, 35 L ed 55, 11 S Ct 478 .....	75, 100
Cereghino v. State By and Through State Highway Commission, 230 Or. 439. 370 P.2d 694. 697.....	21, 43
Chicago ex rel. Cohen v. Keane, 64 Ill 2d 559, 2 Ill Dec 285, 357 NE2d 452.....	23, 84
Chicago General R. Co. v. Chicago, 176 Ill 253, 52 NE 880.....	75, 100
Chicago Park Dist. v. Kenroy, Inc., 78 Ill 2d 555, 37 Ill Dec 291, 402 NE2d 181 .....	23, 84
Chicago v. Chicago Union Traction Co. 199 Ill 259, 65 NE 243.....	75, 101
Chisholm v. Georgia, 2 Dall. (2 U.S.) 419, 1 L.Ed 440, 455 (1793).....	31, 98
Chrysler Light & P. Co. v. Belfield, 58 ND 33, 224 NW 871, 63 ALR 1337.....	75, 100
Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153 .....	75, 101
City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 (1997).....	25, 37, 93
City of Dallas v. Mitchell, 245 S.W. 944 (1922).....	99
Civil Service Comm'n v. Letter Carriers, 413 U.S. 548, 556 (1973).....	40
Clark v. Peoples Savings and Loan Ass'n of De Kalb County, 221 Ind. 168, 46 N.E.2d 681, 682, 144 A.L.R. 1495 .....	16
Clark v. United States, 95 U.S. 539 (1877) .....	17
Clarksburg Electric Light Co. v. Clarksburg, 47 W Va 739, 35 SE 994 .....	75, 101
Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215.....	90
Colautti v. Franklin, 439 U.S. 379 (1979) .....	107
Colautti v. Franklin, 439 U.S. at 392-393, n. 10 .....	88
Colorado & S. R. Co. v. Ft. Collins, 52 Colo 281, 121 P 747 .....	75, 101
Colvin v. Reed, 55 Pa. 375;.....	79
Connick v. Myers, 461 U.S. 138, 147 (1983).....	40
Couch v. United States, 409 U.S., at 328, 93 S.Ct., at 615.....	45
Crowell v. Benson, supra, 285 U.S., at 50-51, 52 S.Ct., at 292.....	73
Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 SW 104.....	75, 101
Curley v. United States, 791 F.Supp. 52 .....	54
Curtin v. State, 61 Cal.App. 377, 214 P. 1030, 1035 .....	83
Daniels v. Dean, 2 Cal.App. 421, 84 P. 332 (1905) .....	28
Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433 .....	75, 100
Davis v. Davis. TexCiv-App., 495 S.W.2d 607. 611 .....	21, 43
Dayton v. South Covington & C. Street R. Co. 177 Ky 202, 197 SW 670 .....	75, 101
Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d 719 (CA. 1932) .....	79, 109
Ditson v. Ditson, 4 R. I. 87,.....	78, 109
Dodd v. United States, 223 F Supp 785 .....	54
Dollar Savings Bank v. United States, 19 Wall. 227.....	19
Donovan v. Kansas City, 352 Mo. 430, 175 S.W.2d 874, 884.....	15
Downes v. Bidwell, 182 U.S. 244 (1901).....	45
Dufour v. Stacey, 90 Ky 288, 14 SW 48 .....	75, 100
Duncan v. Duncan, 265 Pa. 464, 109 A. 220. ....	79
East Ohio Gas Co. v. Akron, 81 Ohio St 33, 90 NE 40.....	75, 101
Elbert County v. Brown, 16 Ga.App. 834, 86 S.E. 651, 665.....	15
Elliott v. Eugene, 135 Or 108, 294 P 358.....	75, 101
Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696.....	82
Ex parte Bakelite Corp., supra, at 451, 49 S.Ct., at 413. ....	73
Ex parte Blain, L. R. 12 Ch. Div. 522, 528 .....	90
Farmers' & Mechanics' National Bank v. Dearing, 91 U.S. 29, 35, 23 L.Ed. 196 .....	82
Faske v. Gershman, 30 Misc 2d 442, 215 NYS2d 144.....	17, 108
Fauntleroy v. Lum, 210 U.S. 230 , 28 S.Ct. 641 .....	18
Fink v. Goodson-Todman Enterprises, Limited, 9 C.A.3d 996, 88 Cal.Rptr. 679, 690 .....	19
First Nat. Bank v. Matlock, 99 Okl. 150. 226 P. 328, 331, 36 A.L.R. 1088 .....	16
Flemming v. Nestor, 363 U.S. 603 (1960) .....	17, 50
Flesch v. Circle City Excavating & Rental Corp., 137 Ind.App. 695, 210 N.E.2d 865.....	108
Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869).....	28
Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) .....	88, 107
Franklin County v. Public Utilities Com. 107 Ohio St 442, 140 NE 87, 30 ALR 429.....	75, 100
Fulton Light, Heat & Power Co. v. State, 65 Misc.Rep. 263, 121 N.Y.S. 536.....	21, 43
Gardner v. Broderick, 392 U.S. 273, 277 -278 (1968) .....	40
Georgia Dep't of Human Resources v. Sistrunk, 249 Ga 543, 291 SE2d 524 .....	23, 84

Giaccio v. State of Pennsylvania, 382 U.S. 399; 86 S.Ct. 518 (1966).....	22
Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 SW2d 773 .....	17, 108
Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 SW2d 773, writ ref n r e (May 16, 1962).....	17
Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 .....	73
Gordon v. United States, 7 Wall. 188, 195, 19 L.Ed. 35 .....	82
Gorton v. Doty, 57 Idaho 792, 69 P.2d 136,139.....	19
Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303.....	75, 100
Grand Trunk Western R. Co. v. South Bend, 277 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303.....	75, 101
Grossbier v. Chicago, St. P., M. &-0. Ry. Co.. 173 Wis. 503. 181 N.W. 746, 748.....	16
H. Liebes & Co. v. Klengenberg, C. C.A.Cal.. 23 F.2d 611. 612.....	15, 100
Hale v. Henkel, 201 U.S. 43, 74 (1906) .....	25, 36
Hale v. Henkel, 201 U.S. 43, 74-75, 26 S.Ct. 370, 378-379, 50 L.Ed. 652 (1906) .....	45
Hammer v. Dagenhart, 247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724.....	86
Hammer v. Dagenhart, 364H247 U.S. 251, 275 , 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724 .....	45, 70, 90
Harris v. Harris, 83 N.M. 441,493 P.2d 407, 408.....	21, 43
Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964).....	25, 37
Heider v. Unicume, 142 Or 416, 20 P2d 384 .....	17, 108
Helvering v. Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937).....	47
Howell v. Bowden, TexCiv. App.. 368 S.W.2d 842, &18 .....	21, 43
Humble Oil & Re. fining Co. v. Bell, Tex.Civ.App., 172 S.W.2d 800, 803 .....	19
In re Pierce, Butler & Pierce Mfg. Co., D.C.N.Y., 231 F. 312, 318.....	16
In re Riggle's Will, 11 A.D.2d 51 205 N.Y.S.2d 19, 21, 22 .....	25, 108
In re Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022.....	83
Indiana State Ethics Comm'n v. Nelson (Ind App) 656 NE2d 1172.....	23, 84
Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d 372, 375, 376.....	77
Internal Revenue Code .....	90, 107
Interurban R. & Terminal Co. v. Public Utilities Com. 98 Ohio St 287, 120 NE 831, 3 ALR 696.....	75, 101
James v. Bowman, 190 U.S. 127, 139 (1903) .....	25, 37
Jersey City v. Hague, 18 NJ 584, 115 A2d 8.....	23, 84
Johnson Freight Lines v. Davis, 170 Tenn. 177, 93 S.W.2d 637, 639 .....	19
Johnson v. United States, 228 U.S. 457, 458, 33 S.Ct. 572, 57 L.Ed. 919 (1913) .....	45
Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576.....	15, 100
Kaehn v. St. Paul Co-op. Ass'n, 156 Minn. 113, 194 N.W. 112.....	59
Kansas Gas & E. Co. v. Independence (CA10) 79 F2d 32, 638, 100 ALR 1479 .....	75, 101
Katz v. Brandon, 156 Conn. 521, 245 A.2d 579, 586 .....	32
Kelley v. Johnson, 425 U.S. 238, 247 (1976).....	40
Kellum v. Browning's Adm'r. 231 Ky. 308. 21 S.W.2d 459, 465 .....	16
Klee v. U. S., C.C.A.Wash.. 53 F.2d 58, 61 .....	19
Labberton v. General Cas. Co. of America, 53 Wash.2d 180, 332 P.2d 250, 252. 254.....	21, 43
Lacey v. State, 13 Ala.App. 212, 68 So. 706, 710.....	83
Landon v. Kansas City Gas Co., C.C.A.Kan., 10 F.2d 263, 266.....	16
Lane v. Railey, 280 Ky. 319, 133 S.W.2d 74, 79, 81 .....	18
Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S.Ct. 196.....	75, 100
Lee v. Travelers' Ins. Co. of Hartford, Conn., 173 S.C. 185, 175 S.E. 429 .....	15, 100
License Tax Cases, 72 U.S. 462, 18 L.Ed. 497, 5 Wall. 462, 2 A.F.T.R. 2224 (1866).....	87, 95, 102, 103
Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95 .....	16
Loan Association v. Topeka, 20 Wall. 655 (1874).....	32, 35
Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572 .....	75, 101
Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13 .....	75, 100, 101
Luther v. Borden, 48 U.S. 1 (1849).....	89
Luther v. Borden, 48 U.S. 1, 12 LEd 581 (1849) .....	59
Macy v. Heverin, 44 Md.App. 358, 408 A.2d 1067, 1069 .....	85
Madera Waterworks v. Madera, 228 US 454, 57 L ed 915, 33 S Ct 571 .....	76, 101
Madlener v. Finley (1st Dist) 161 Ill App 3d 796, 113 Ill Dec 712, 515 NE2d 697 .....	23, 84
Marbury v. Madison, 5 U.S. 137, 1 Cranch 137, 2 L.Ed. 60 (1803) .....	88
Matter of Mayor of N.Y., 11 Johns., 77 .....	32
McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925 .....	83

McLean v. United States, 226 U.S. 374, 33 Sup. Ct. 122, 57 L.Ed. 260.....	82
Medbury v. United States, 173 U.S. 492, 198, 19 Sup. Ct. 503, 43 L.Ed. 779.....	82
Meese v. Keene, 481 U.S. 465, 484 (1987).....	107
Meese v. Keene, 481 U.S. 465, 484-485 (1987) .....	88
Meredith v. United States, 13 Pet. 486, 493.....	19
Mexican Petroleum Corporation of Louisiana v. North Ger- man Lloyd, D.C.La., 17 F.2d 113,114.....	15, 100
Michigan Employment Sec. Commission v. Patt, 4 Mich.App. 228, 144 N.W.2d 663, 665.....	33
Michigan Tel. Co. v. St. Joseph, 121 Mich 502, 80 NW 383.....	75, 101
Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954).....	56
Miller's Appeal, 100 Pa. 568, 45 Am.Rep. 394.....	16
Milwaukee Electric R. & Light Co. v. Railroad Com. 153 Wis 592, 142 NW 491, affd 238 US 174, 59 L ed 1254, 35 S Ct 820.....	75, 101
Milwaukee v. White, 296 U.S. 268 (1935).....	19
Montana Power Co. v. Bokma, Mont., 457 P.2d 769, 772, 773.....	32
Murray v. City of Charleston, 96 U.S. 432 (1877).....	18
Murray's Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856).....	73
New Orleans Gas Co. v. Louisiana Light Co., 115 U.S. 650 (1885).....	18
New York Electric Lines Co. v. Empire City Subway Co. 235 U.S. 179, 59 L.Ed 184, 35 S.Ct. 72.....	75, 101
Newblock v. Bowles, 170 Okl. 487, 40 P.2d 1097, 1100.....	88, 107
Northern Liberties v. St. John's Church, 13 Pa. St., 104 says.....	32
Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196.....	75, 101
Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. at 83-84, 102 S.Ct. 2858 (1983).....	74
Northwestern Tel. Exch. Co. v. Anderson, 12 ND 585, 98 NW 706.....	75, 101
Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 NW 527, 86 NW 69.....	75, 101
O'Connor v. Ortega, 480 U.S. 709, 723 (1987).....	40
Ohio Pub. Serv. Co. v. Ohio, 274 US 12, 71 L ed 898, 47 S Ct 480.....	75, 101
Olmstead v. United States, 277 U.S. 438, 478 (1928).....	36
Omaha Water Co. v. Omaha (CA8) 147 F 1, app dismd 207 U.S. 584, 52 L.Ed 352, 28 S.Ct. 262.....	75, 101
Osborn v. Bank of U.S., 22 U.S. 738 (1824).....	19, 61
Owensboro v. Cumberland Tel. & Tel. Co. 230 US 58, 57 L ed 1389, 33 S Ct 988.....	75, 101
Pack v. Southwestern Bell Tel. & Tel. Co., 215 Tenn. 503, 387 S.W.2d 789, 794.....	32
Papasan v. Allain, 478 U.S. 265 (1986).....	51
Parish v. MacVeagh, 214 U.S. 124, 29 Sup. Ct. 556, 53 L.Ed. 936.....	82
Pennoyer v. Neff, 95 U.S. 714, 24 L.Ed. 565.....	108
Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.....	75, 100
People v. Merrill, 2 Park. Crim. Rep. 590, 596.....	90
Pioneer Mining Co. v. Ty berg, C.C.A.Alaska, 215 F. 501, 506, L.R.A.1915B, 442.....	59
Plessy v. Ferguson, 163 U.S. 537, 542 (1896).....	29, 99
Pray v. Northern Liberties, 31 Pa.St., 69.....	32
Price v. United States, 269 U.S. 492 , 46 S.Ct. 180.....	19
Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837).....	20, 38
Providence Bank v. Billings, 29 U.S. 514 (1830).....	31, 94, 98
Providence Gas Co. v. Thurber, 2 RI 15.....	75, 101
Public Workers v. Mitchell, 330 U.S. 75, 101 (1947).....	40
Quinby v. Public Serv. Com. 223 NY 244, 119 NE 433, 3 ALR 685.....	75, 101
Rabon v. State Finance Corporation, 203 S.C. 183, 26 S.E.2d 501, 502.....	15, 100
Re Board of Fire Comrs. 27 NJ 192, 142 A2d 85.....	75, 100
Reinecke v. Smith, Ill., 53 S.Ct. 570, 289 US. 172, 77 L.Ed. 1109.....	59
ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d 1379, 1382.....	108
Richmond v. Virginia Ry. & Power Co. 141 Va 69, 126 SE 353.....	75, 100, 101
Ringe Co. v. Los Angeles County, 262 U.S. 700, 43 S.Ct. 689, 692, 67 L.Ed. 1186.....	32
Rushville v. Rushville Natural Gas Co. 164 Ind 162, 73 NE 87.....	75, 101
Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990).....	40
Rutland Electric Light Co. v. Marble City Electric Light Co. 65 Vt 377, 26 A 635.....	75, 100
Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34.....	90
Salt Lake City v. Utah Light & Traction Co. 52 Utah 210, 173 P 556, 3 ALR 715.....	75, 101
Saums v. Parfet, 270 Mich. 165, 258 N.W. 235.....	19

Sharpless v. Mayor, supra; Hanson v. Vernon, 27 Ia., 47 .....	32
Shelmadine v. City of Elkhart, 75 Ind.App. 493, 129 N.E. 878 .....	83
Shreveport Traction Co. v. Shreveport, 122 La 1, 47 So 40.....	75, 101
Slaughter House Cases, 16 Wall, 36 .....	29, 99
Smith v. Thornhill, Tex.Com.App. 25 S.W.2d 597, 599.....	15, 100
Spring v. Constantino, 168 Conn. 563, 362 A.2d 871, 875 .....	84
State Compensation Ins. Fund v. Industrial Accident Commission, 216 Cal. 351, 14 P.2d 306, 310.....	19
State ex rel. Cities Service Gas Co. v. Public Service Commission, 337 Mo. 809, 85 S.W.2d 890, 894.....	19
State ex rel. Colorado River Commission v. Frohmiller, 46 Ariz. 413, 52 P.2d 483, 486 .....	83
State ex rel. Daniel v. Broad River Power Co. 157 SC 1, 153 SE 537.....	75, 100
State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955 .....	75, 100
State ex rel. Nagle v. Sullivan, 98 Mont 425, 40 P2d 995, 99 ALR 321.....	23, 84
State ex rel. Shaver v. Iowa Tel. Co. 175 Iowa 607, 154 NW 678.....	75, 101
State ex rel. Weatherly v. Birmingham Waterworks Co. 185 Ala 388, 64 So 23.....	75, 101
State v. Brennan, 49 Ohio St. 33. 29 N.E. 593 .....	83
State v. Carter, 27 N. J. L. 499 .....	90
State v. Gibbs, 82 Vt 526, 74 A 229.....	75, 101
State v. Robbins, 253 N.C. 47, 116 S.E.2d 192, 193.....	27
Stenberg v. Carhart, 530 U.S. 914 (2000) .....	88, 107
Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937).....	47
Stockwell v. United States, 13 Wall. 531, 542 .....	19
Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540.....	75, 100, 101
Tarver, Steele & Co, v. Pendleton Gin Co., Tex.Clv.App., 25 S. W.2d 156, 159.....	19
Town of Arlington v. Bds. of Conciliation and Arbitration, Mass., 352 N.E.2d 914.....	85
Town of Balkan v. Village of Buhl, 158 Minn. 271, 197 N.W. 266, 35 A.L.R. 470 .....	16
U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919) .....	82
U.S. v. Bartrug, E.D.Va.1991, 777 F.Supp. 1290 , affirmed 976 F.2d 727, certiorari denied 113 S.Ct. 1659, 507 U.S. 1010, 123 L.Ed.2d 278.....	54
U.S. v. Butler, 297 U.S. 1 (1936) .....	32
U.S. v. Mersky, 361 U.S. 431 (1960).....	54
U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878) .....	82
Union Life Ins. Co. v. Glasscock, 270 Ky. 750, 110 S.W.2d 681, 686, 114 A. L. R. 373 .....	16
United States ex rel. Dunlap v. Black, 128 U.S. 40, 9 Sup. Ct. 12, 32 L.Ed. 354 .....	82
United States Railroad Retirement Board v. Fritz, 449 U.S. 166 (1980) .....	17, 50
United States v. Borden Co., 308 U.S. 188, 192 (1939).....	54
United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223.....	23, 84
United States v. Brown, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492 .....	26
United States v. Chamberlin, 219 U.S. 250 , 31 S.Ct. 155 .....	19
United States v. Guest, 383 U.S. 745 (1966).....	25, 37
United States v. Harris, 106 U.S. 629, 639 (1883) .....	25, 37
United States v. Holzer (CA7 Ill) 816 F2d 304.....	84
United States v. Holzer (CA7 Ill), 816 F2d 304.....	23
United States v. Jones, 345 U.S. 377 (1953).....	54
United States v. Laughlin (No. 200), 249 U.S. 440, 39 Sup. Ct. 340, 63 L.Ed. 696 .....	82
United States v. Levy, 533 F.2d 969 (1976).....	54
United States v. Lovett, 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252.....	26
United States v. Murphy, 809 F.2d 142, 1431.....	54
United States v. Reese, 92 U.S. 214, 218 (1876).....	25, 37
United States v. Swift & Co., 318 U.S. 442 (1943).....	54
United States v. White, 322 U.S. 694, 699, 64 S.Ct. 1248, 1251, 88 L.Ed. 1542 (1944).....	45
Van Brocklin v. State of Tennessee, 117 U.S. 151 (1886).....	31, 94, 98
VanHorne's Lessee v. Dorrance, 2 U.S. 304 (1795).....	31, 94, 98
Victoria v. Victoria Ice, Light & Power Co. 134 Va 134, 114 SE 92, 28 ALR 562.....	75, 100, 101
Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433.....	75, 100, 101
Virginia-Western Power Co. v. Commonwealth, 125 Va 469, 99 S.E. 723, 9 ALR 1148, cert den 251 U.S. 557, 64 L ed 413, 40 S Ct 179.....	75, 100, 101
Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230, 2235 .....	90

Walker v. Rich, 79 Cal.App. 139, 249 P. 56, 58 .....	83
Washington v. Atlantic Coast Line R. Co. 136 Ga 638, 71 SE 1066 .....	75, 101
Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945).....	88, 107
Westport v. Mulholland, 159 Mo 86, 60 SW 77 .....	75, 101
Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174, 175, 35 Sup. Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118.....	82
Wilson v. United States, 221 U.S. 361, 382-384, 31 S.Ct. 538, 545-546, 55 L.Ed. 771 (1911).....	45
Winters v. People of State of New York, 333 U.S. 507; 68 S.Ct. 665 (1948).....	22
Wisconsin v. Pelican Insurance Co., 127 U.S. 265 , 292, et seq. 8 S.Ct. 1370 .....	18
Wright v. Milwaukee Electric R. & Light Co. 95 Wis 29, 69 NW 791.....	75, 101
Yaselli v. Goff, C.C.A., 12 F.2d 396, 403, 56 A.L.R. 1239 .....	83
Yick Wo v. Hopkins, 118 U.S. 356 (1886) .....	14

## Other Authorities

1 Liverm. Prln. & Ag. 2.....	19
19 Cor. Jur. 22, § 24.....	109
19 Corpus Juris Secundum, Corporations, §883 .....	57
19 Corpus Juris Secundum, Corporations, §886 .....	67
2 Bl.Comm. 442 .....	15, 100
2 Bl.Comm. 443 .....	16
2 Kent, Comm. 449 .....	15, 100
2 Kent, Comm. 450 .....	16
2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) .....	107
3 Freeman on Judgments (5th Ed.) 3152.....	109
63C Am.Jur.2d, Public Officers and Employees, §247 .....	23, 38, 84
7 C.J.S. Attorney and Client, §4.....	59
81A Corpus Juris Secundum (C.J.S.), United States, §29 .....	57
A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74.....	105
A Treatise on the Law of Public Offices and Officers, p. 609, §909; Floyd Mechem, 1890 .....	58
A Trustees Handbook, Third Edition, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22.....	49, 52
About IRS Form 56, Form #04.010.....	92
About SSNs and TINs on Government Forms and Correspondence, Form #05.012 .....	91, 97
Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001 .....	81
Am.Jur.2d., Franchises, §2: As a Contract .....	76, 101
American Heritage Dictionary, 1993 .....	27
American Jurisprudence 2d, Duress, Section 21 .....	17, 108
American Jurisprudence Legal Encyclopedia, Second Edition .....	17
Anderson's Manual for Notaries Public, Ninth Edition, 2001, ISBN 1-58360-357-3 .....	24
Black's Law Dictionary, Fifth Edition, p. 1095 .....	21, 43
Black's Law Dictionary, Fourth Edition, p. 1235 .....	83
Black's Law Dictionary, Fourth Edition, p. 1593 .....	28, 51
Black's Law Dictionary, Fourth Edition, p. 164 .....	58
Black's Law Dictionary, Fourth Edition, p. 1684 .....	59
Black's Law Dictionary, Fourth Edition, p. 1693 .....	95
Black's Law Dictionary, Fourth Edition, p. 1779 .....	87
Black's Law Dictionary, Fourth Edition, p. 395 .....	16, 100
Black's Law Dictionary, Fourth Edition, pp. 84-85.....	19
Black's Law Dictionary, Sixth Edition, p. 1005.....	18
Black's Law Dictionary, Sixth Edition, p. 1230.....	37, 84, 85
Black's Law Dictionary, Sixth Edition, p. 1231.....	32
Black's Law Dictionary, Sixth Edition, p. 1232.....	33
Black's Law Dictionary, Sixth Edition, p. 1245.....	19
Black's Law Dictionary, Sixth Edition, p. 1269.....	83
Black's Law Dictionary, Sixth Edition, p. 1421.....	15
Black's Law Dictionary, Sixth Edition, p. 1457.....	33
Black's Law Dictionary, Sixth Edition, p. 1499.....	27

Black’s Law Dictionary, Sixth Edition, p. 165.....	26
Black’s Law Dictionary, Sixth Edition, p. 269.....	42
Black’s Law Dictionary, Sixth Edition, p. 40.....	49
Black’s Law Dictionary, Sixth Edition, p. 581.....	88, 107
Black’s Law Dictionary, Sixth Edition, p. 793.....	78, 108
Black’s Law Dictionary, Sixth Edition, p. 97.....	77
Confucius .....	82
Corporatization and Privatization of the Government, Form #05.024 .....	66
Correcting Erroneous Information Returns, Form #04.012.....	74
Cracking the Code, Third Edition .....	97
Currency Transaction Reports (CTRs).....	48
Defending Your Right to Travel.....	24
Delegation of Authority Order from God to Christians, Form #10.008 .....	93
Demand for Verified Evidence of “Trade or Business” Activity: Currency Transaction Report, Form #04.008 .....	44, 48
Dept. of Justice.....	72
Executive Order 12731.....	84
Family Guardian Website: Money and Banking Page .....	97
Federal Enforcement Authority Within States of the Union, Form #05.032 .....	55
Federal Jurisdiction, Form #05.018, Sections 3 through 3.7 .....	83
Flawed Tax Arguments to Avoid, Form #08.004.....	92
Form 1042-S.....	95
Form W-8.....	95
George Washington, (letter to Patrick Henry, 9 October 1775) .....	83
Government Instituted Slavery Using Franchises, Form #05.030.....	23, 39, 52, 94, 97
Government Instituted Slavery Using Franchises, Form #05.030, Sections 12 to 12.5 .....	83
Great IRS Hoax, Sections 3.9.1 through 3.9.28, Form #11.007 .....	91
Highlights of American Legal and Political History CD.....	97
House of Representatives, Ex. Doc. 99, 1867, pp. 1-2 .....	62
How the Government Defrauds You Out of Legitimate Deductions for the Market Value of Your Labor, Form #05.026...	64
How the IRS traps into liability by making you a fiduciary for a dead "straw man" .....	72
Internal Revenue Manual 5.14.10.2 (09-30-2004) .....	107
Internal Revenue Manual, Section 4.10.7.2.8.....	89
Investigative Report, Barton Buhtz .....	97
IRM 5.14.10.2 (09-30-2004) .....	55
IRS Form 1040.....	64, 74
IRS Form 1040 Instruction Booklet .....	64
IRS Form 1042-s .....	68
IRS Form 1042-S .....	40
IRS Form 1042-s Instructions .....	91
IRS Form 1042-S Instructions, p. 14.....	40
IRS Form 1042s Instructions, Year 2006, p. 14 .....	68, 80, 92, 95, 103
IRS Form 56.....	92
IRS Form 668(Y)(c) .....	71
IRS Form 668(Y)(c) Notice of Lien.....	71
IRS Form W-4.....	72, 105
IRS Form W-7 or W-9.....	80
IRS Forms W-2, 1042s, 1098, and 1099 .....	106
IRS Forms W-2, 1042-s, 1098, and 1099 .....	22, 81
IRS Individual Master File (IMF) .....	71
IRS Internal Revenue Manual .....	55
IRS Letter 2800C .....	72, 73
IRS Publication 334 .....	44
Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).....	73
Liberty University, Section 4 .....	39
Liens: Are they for Subtitle A Income taxes or Subtitle B Estate Taxes?.....	72
Mackeld.Rom.Law 5 491 .....	16
Mastering the Uniform Commercial Code .....	97

Meaning of the Words “includes” and “including”, Form #05.014 .....	90
Memorandum of Law on the Name.....	91, 97
Moody's Bank and Finance Manual 633-636 (1972) .....	47
Policy Document: UCC Redemption, Form #08.002.....	97
President Thomas Jefferson, concluding his first inaugural address, March 4, 1801.....	22, 99
Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017 .....	90
Reasonable Belief About Income Tax Liability, Form #05.007.....	90, 98
Redemption Manual .....	97
Requirement for Equal Protection and Equal Treatment, Form #05.033 .....	52
Resignation of Compelled Social Security Trustee, Form #06.002.....	65, 81, 92
Restatement 2d, Contracts § 174 .....	108
Rules of Presumption and Statutory Interpretation, Litigation Tool #10.003 .....	81
Samuel Johnson Rasselas .....	87
SEDM Exhibit 0021 .....	52
SEDM Exhibit 1065 .....	18
Senator Sam Ervin, of Watergate Hearing fame .....	87
Social Security Card.....	26
Social Security Form SS-5 .....	28
Sovereign Christian Marriage .....	24
SS-5 Application for a Social Security Card.....	74
SSA Form SS-5 Application for Social Security.....	64
Tax Form Attachment, Form #04.013 .....	80, 93
The “Trade or Business” Scam, Form #05.001 .....	39, 67
The Government “Benefits” Scam, Form #05.040.....	25, 48, 65, 94
The Great IRS Hoax, Form #11.007 .....	47
The Money Scam, Form #05.041 .....	18
The Tax Court Scam, #05.039.....	17
The Truth About Trusts (ASNM, Vol. 7, No. 1).....	52
The Wizard of Oz.....	97
There's No Statute Making Anyone Liable to Pay IRC Subtitle A Income Taxes .....	58
Thomas Jefferson, First Inaugural Address, March 4, 1801.....	83
Thomas Jefferson: 1st Inaugural, 1801. ME 3:320.....	30, 37
Transaction Code 582.....	71
Trust Fever (ASNM, Vol. 7, No. 1) .....	52
Trust Fever II: Divide and Conquer (ASNM, Vol. 7, No. 4).....	52
Trusts: Invisible Snares (ASNM, Vol. 12, No. 1) .....	52
U.C.C. Security Agreement, Form #14.002 .....	93, 97
U.S. Government admits under oath that the IRS is not an agency of the U.S. Government! .....	72
UCC Filing .....	97
What Happened to Justice? .....	76
Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013.....	91
Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.....	24, 29
Why It is Illegal for Me to Request or Use a Taxpayer Identification Number, Form #04.022 .....	81, 93
Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037.....	14, 25, 97
Why You Aren't Eligible for Social Security, Form #06.001 .....	92
Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008 .....	63, 97
Wrong Party Notice, Form #07.012 .....	45

## Scriptures

1 Tim. 6:10.....	90
Colossians 2:8 .....	87
Exodus 34:10-16 .....	82
Hos. 12:7, 8 .....	41
John 7:49 .....	88
Luke 16:13 .....	40
Matthew Henry's Commentary on the Whole Bible; Henry, M., 1996, c1991, under Prov. 11:1 .....	41

Prov. 11:1 .....	41
Prov. 11:18-21 .....	87
Prov. 28:9 .....	88
Prov. 3:30 .....	22, 30, 36, 99
Proverbs 1:10-19 .....	39, 50
Psalms 119:155 .....	88
Rev. 17:1-2 .....	42
Rev. 17:15 .....	42
Rev. 17:3-6 .....	41
Rev. 18:4-8 .....	42
Rev. 19:19 .....	42
Romans 13:9-10 .....	22, 30, 36, 99

# 1 Introduction

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

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

“Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts. And the law is the definition and limitation of power.”

[*Yick Wo v. Hopkins*, 118 U.S. 356 (1886)]

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

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

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

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

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

All we are going to prove indirectly is that:

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

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

## 2 WHAT is a “straw man”?

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

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

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

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

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

### 2.1 Commercial transaction

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

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

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

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

A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or abstain from doing, some act. Wharton; *Smith v. Thornhill, Tex.Com.App.* 25 S.W.2d 597, 599. It is agreement creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are not ascertainable. *H. Liebes & Co. v. Klengenberg, C. C.A.Ca1.* 23 F.2d 611. 612. A contract or agreement is either where a promise is made on one side and assented to on the other; or where two or more persons enter into engagement with each other by a promise on either side. 2 Steph.Comm1. 54. The writing which contains the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.

[. . .]

#### Constructive Contract

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

[. . .]

#### Quasi Contracts

In the civil law. A contractual relation arising out of transactions between the parties which give them mutual rights and obligations, but do not involve a specific and express convention or agreement between them. *Keener, Quasi Contr. 1; Elbert County v. Brown*, 16 Ga.App. 834, 86 S.E. 651, 665. The lawful and purely

1 voluntary acts of a man, from which there results any obligation whatever to a third person, and sometimes a  
2 reciprocal obligation between the parties. Civ. Code La. art. 2293.

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

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

15 **It is not in fact a contract, but an obligation which the law creates in absence of any agreement, when and**  
16 **because the acts of the parties or others have placed in the possession of one person money, or its equivalent,**  
17 **under such circumstances that in equity and good conscience he ought not to retain it.** *Grossbier v.*  
18 *Chicago, St. P., M. & O. Ry. Co., 173 Wis. 503. 181 N.W. 746, 748; It is an implication of law. First Nat. Bank*  
19 *v. Matlock, 99 Okl. 150. 226 P. 328, 331, 36 A.L.R. 1088; Caldwell v. Missouri State Life Ins. Co., 148 Ark.*  
20 *474, 230 S.W. 566, 568. It is what was formerly known as the contract Implied in law; it has no reference to the*  
21 *Intentions or expressions of the parties. The obligation is imposed despite, and frequently in frustration of their*  
22 *intention. Town of Balkan v. Village of Buhl, 158 Minn. 271, 197 N.W. 266, 35 A.L.R. 470.*

23 [. . .]

#### 24 Express and Implied

25 *An express contract is an actual agreement of the parties, the terms of which are openly uttered or declared at*  
26 *the time of making it, being stated in distinct and explicit language, either orally or in writing. 2 Bl.Comm. 443;*  
27 *2 Kent, Comm. 450; Linn v. Ross, 10 Ohio 414, 36 Am.Dec. 95; A. J. Yawger & Co. v. Joseph, 184 Ind. 228,*  
28 *108 N.E. 774, 775; In re Pierce, Butler & Pierce Mfg. Co., D.C.N.Y., 231 F. 312, 318.*

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

36 **Implied contracts are sometimes subdivided into those "implied in fact" and those "implied in law," the**  
37 **former being covered by the definition just given, while the latter are obligations imposed upon a person by**  
38 **the law, not in pursuance of his intention and agreement, either expressed or implied, but even against his**  
39 **will and design, because the circumstances between the parties are such as to render it just that the me**  
40 **should have a right, and the other a corresponding liability, similar to those which would arise from a**  
41 **contract between the. This kind of obligation therefore rests on the principle that whatsoever it is certain a**  
42 **man ought to do that the law will suppose him to have promised to do. And hence it is said that, while the**  
43 **liability of a party to an express contract arises directly from the contract, it is just the reverse in the case of a**  
44 **contract "implied in law," the contract there being Implied or arising from the liability.** *Bliss v. Hoy, 70 Vt.*  
45 *534, 41 A. 1026; Kellum v. Browning's Adm'r. 231 Ky. 308. 21 S.W.2d 459, 465. But obligations of this kind are*  
46 *not properly contracts at all, and should not be so denominated. **There can be no true contract without a***  
47 **mutual and concurrent intention of the parties. Such obligations are more properly described as "quasi**  
48 **contracts.** *Union Life Ins. Co. v. Glasscock, 270 Ky. 750, 110 S.W.2d 681, 686, 114 A. L. R. 373.*  
49 *[Black's Law Dictionary, Fourth Edition, p. 395]*

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

- 51 1. An offer.
- 52 2. Mutual consideration.
- 53 3. Mutual voluntary consent.
- 54 4. The absence of any duress upon either party.
- 55 5. Mutual assent or understanding of all the ramifications of the property being exchanged.

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

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

14 Likewise, any transaction that does not involve REAL consideration is also voidable. Examples include:

- 15 1. The contract has does not have the signature of BOTH parties. Most government applications only have the signature  
16 of the submitter and not the government, for instance.
- 17 2. The person signing the contract had no authority to do so. For instance, no one in the government other than the  
18 legislative branch can obligate the government to do anything. A contract with the government would be invalid and  
19 unenforceable if someone in the executive branch signed or represented his or her consent to the contract.

20 *"Every man is supposed to know the law. A party who makes a contract with an officer [of the government]*  
21 *without having it reduced to writing is knowingly accessory to a violation of duty on his part. Such a party*  
22 *aids in the violation of the law."*  
23 *[Clark v. United States, 95 U.S. 539 (1877)]*

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

*The Tax Court Scam*, #05.039  
<http://sedm.org/Forms/FormIndex.htm>

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

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

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

37 \_\_\_\_\_  
38 *"What, then, is meant by the doctrine that contracts are made with reference to the taxing power resident in the*  
39 *State, and in subordination to it? Is it meant that when a person lends money to a State, or to a municipal*

<sup>1</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134  
<sup>2</sup> Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fasje v. Gershman, 30 Misc 2d 442, 215 NYS2d 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>3</sup> Fasje v. Gershman, 30 Misc 2d 442, 215 NYS2d 144; Heider v. Unicume, 142 Or 416, 20P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)  
<sup>4</sup> Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

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

13 An example of a voidable contract is one in which the transaction was between one or more private persons and the alleged  
14 consideration involves Federal Reserve Notes. Federal Reserve Notes do NOT constitute legitimate consideration because:

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

18 SEDM Exhibit 1065  
19 <http://sedm.org/Exhibits/ExhibitIndex.htm>

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

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

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

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

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

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

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

43 *"Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and*  
44 *we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to*  
45 *enforce it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., 127 U.S. 265, 292, et seq.*  
46 *8 S.Ct. 1370, compare Fauntleroy v. Lum, 210 U.S. 230, 28 S.Ct. 641, **still the obligation to***  
47 **pay taxes is not penal. It is a statutory liability, quasi**  
**contractual in nature, enforceable, if there is no exclusive**

1 **statutory remedy, in the civil courts by the common-law action**  
2 **of debt or indebitatus assumpsit.** *United States v. Chamberlin*, 219 U.S. 250, 31 S.Ct.  
3 155; Price v. United States, 269 U.S. 492, 46 S.Ct. 180; *Dollar Savings Bank v. United States*, 19 Wall. 227;  
4 and see Stockwell v. United States, 13 Wall. 531, 542; *Meredith v. United States*, 13 Pet. 486, 493. **This was**  
5 **the rule established in the English courts before the Declaration of Independence.** *Attorney General v. Weeks*,  
6 *Bunbury's Exch. Rep.* 223; *Attorney General v. Jewers and Batty*, *Bunbury's Exch. Rep.* 225; *Attorney General*  
7 *v. Hatton*, *Bunbury's Exch. Rep.* [296 U.S. 268, 272] 262; *Attorney General v. \_ \_*, 2 *Ans.Rep.* 558; see  
8 *Comyn's Digest* (Title 'Dett,' A, 9); 1 *Chitty on Pleading*, 123; cf. *Attorney General v. Sewell*, 4 M.&W. 77. "  
9 [*Milwaukee v. White*, 296 U.S. 268 (1935)]

10 Below is the meaning of "quasi-contract" from the above quote:

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

## 18 **2.2 "Agency"**

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

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

24 Agency is legally defined as follows:

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

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

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

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

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

- 50 1. A beneficiary.
- 51 2. A creator or settlor.

1 3. A trustee

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

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

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

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

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

- 15 3. The Trustees are our public servants, who execute the trust indenture for our benefit and receive compensation  
16 determined by law.
- 17 4. Not everyone who works for the United States government is a “Trustee”, but rather only those serving in “public  
18 offices”. All these persons are defined in 5 U.S.C. §2105 and that definition excludes what most people would  
19 describe as a common law “employee”.
- 20 5. Article 1, Section 8, Clause 17 requires that all public offices must be exercised ONLY in the District of Columbia and  
21 not elsewhere, except as expressly provided by law. The statutory implementation of that constitutional requirement is  
22 found in 4 U.S.C. §72.
- 23 6. The U.S. Constitution also creates a corporation, because it creates a government and all governments consist of two  
24 elements: A “body political” which creates a body corporate that then exercises the business of the body politic:

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

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

39 *United States Code*  
40 *TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE*  
41 *[PART VI - PARTICULAR PROCEEDINGS](#)*  
42 *[CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)*  
43 *[SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)*  
44 *[Sec. 3002. Definitions](#)*

- 45 (15) “United States” means -
- 46 (A) a Federal corporation;
- 47 (B) an agency, department, commission, board, or other entity of the United States; or
- 48 (C) an instrumentality of the United States.

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

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

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

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

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

12  
13 Uniform Commercial Code (U.C.C.)  
14 § 9-307. LOCATION OF DEBTOR.

15 (h) [Location of United States.]

16 The United States is located in the District of Columbia.

17 [SOURCE:

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

### 20 **2.3 Property being acquired or transferred that would otherwise not be allowed or unlawful**

21 In law, all rights are considered “property”:

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

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

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

41 Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical  
42 thing, as right to possess, use and dispose of it. *Cereghino v. State By and Through State Highway Commission*,  
43 230 Or. 439. 370 P.2d 694. 697.

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

46 Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal  
47 property, contract rights, choses-in-action and other interests in or claims to wealth, admission or  
48 transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal  
49 Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q  
50 2(c), it denotes interest in things and not the things themselves.

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

1 According to the Declaration of Independence, just governments are instituted among men only to protect and secure rights.  
2 Consequently, the purpose of the Declaration of Independence is to secure “property”:

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

6 The only way a government can secure rights is:

7 1. To prohibit and punish harmful acts and to otherwise leave men free to do whatever they want.

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

14  
15 *Love does no harm to a neighbor; therefore love is the fulfillment of the law.*  
16 *[Romans 13:9-10, Bible, NKJV]*

17  
18 *“Do not strive with [or try to regulate or control or enslave] a man without cause, if he has done you no*  
19 *harm.”*  
20 *[Prov. 3:30, Bible, NKJV]*

- 21 2. To not use or abuse the authority of law to impose any duty other than that of refraining from injuring the equal rights  
22 of others. For instance, government has no moral authority to write a law that mandates good because this would be  
23 slavery in violation of the Thirteenth Amendment.
- 24 3. To keep what is “public” separate from what is private. Public servants intent on abusing their authority will try to  
25 steal private property and convert it to public use by mis-enforcing the tax laws, for instance.
- 26 4. To write clear laws that leave no doubt as to the conduct expected of citizens and who the “person” is who is the  
27 subject of them.

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

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

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

33  
34 *“Law fails to meet requirements of due process clause if it is so vague and standardless that it leaves public*  
35 *uncertain as to conduct it prohibits or leaves judges and jurors free to decide, without any legally fixed*  
36 *standards, what is prohibited and what is not in each particular case.”*  
37 *[Giaccio v. State of Pennsylvania, [382 U.S. 399](#); 86 S.Ct. 518 (1966)]*

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

- 40 1. Private property being converted to a public use or public purpose without just compensation because of unlawful tax  
41 enforcement. This is called “conversion” and it is a crime pursuant to 18 U.S.C. §654.
- 42 2. A private citizen serving in a public office without the proper lawful authority. All “taxpayers” under the Internal  
43 Revenue Code, Subtitle A, for instance, are “public officers”. This public office is called a “trade or business” and is  
44 defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. Only lawfully elected public officers can  
45 lawfully execute the functions of a public office.
- 46 3. An information return such as IRS Forms W-2, 1042-s, 1098, and 1099 being filed against a person who is NOT  
47 lawfully engaged in a “public office” within the government.
- 48 3.1. This is a crime under:
- 49 3.1.1. 18 U.S.C. §912: Impersonating a “public officer” in the government

- 1 3.1.2. 26 U.S.C. §7206: False statements
- 2 3.1.3. 26 U.S.C. §7207: Fraudulent returns (information returns), statements, or other documents.
- 3 3.2. It is a civil tort pursuant to 26 U.S.C. §7434.

### 4 **3 HOW is the straw man created?**

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

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

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

- 8 1. Involve commercial activity of some kind. A specific commercial activity, including a government financial “benefit”,  
9 forms the basis for the consideration that makes the contract binding.
- 10 2. Involve agency. The franchise is represented by a “public office” within the government called “person” which is the  
11 “res” or subject of the franchise agreement. You become the surety for the “public office” and a “trustee” of the  
12 “public trust” as a franchisee. Most franchises also constitute a trust indenture in which you become the trustee of the  
13 public trust and a “public officer” by signing up for the franchise.

14 *“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
15 *exercised in behalf of the government or of all citizens who may need the intervention of the officer.”*<sup>5</sup>  
16 *Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level*  
17 *of government, and whatever be their private vocations, are trustees of the people, and accordingly labor*  
18 *under every disability and prohibition imposed by law upon trustees relative to the making of personal*  
19 *financial gain from a discharge of their trusts.”*<sup>6</sup> *That is, a public officer occupies a fiduciary relationship to*  
20 *the political entity on whose behalf he or she serves.”*<sup>7</sup> *and owes a fiduciary duty to the public.”*<sup>8</sup> *It has been*  
21 *said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.”*<sup>9</sup>  
22 *Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken*  
23 *public confidence and undermine the sense of security for individual rights is against public policy.”*<sup>10</sup>  
24 *[63C Am.Jur.2d, Public Officers and Employees, §247]*

- 25 3. Make a specific type of property transfer lawful that was not previously lawful. That type of transfer is the conversion  
26 of private property into a public use, public purpose, or “public office”. Such a conversion is otherwise a crime called  
27 “conversion” which is documented in 18 U.S.C. §654. All franchise agreements authorize control by the government  
28 over some type of formerly private property and that control becomes the consideration that the government receives  
29 for consenting to allow you to participate and receive the government “benefits”.

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

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<sup>5</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 ALR 321; Jersey City v. Hague, 18 NJ 584, 115 A2d 8.

<sup>6</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 SE2d 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill App 3d 796, 113 Ill Dec 712, 515 NE2d 697, app gr 117 Ill Dec 226, 520 NE2d 387 and revd on other grounds 128 Ill 2d 147, 131 Ill Dec 145, 538 NE2d 520.

<sup>7</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill 2d 555, 37 Ill Dec 291, 402 NE2d 181, appeal after remand (1st Dist) 107 Ill App 3d 222, 63 Ill Dec 134, 437 NE2d 783.

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

<sup>9</sup> Chicago ex rel. Cohen v. Keane, 64 Ill 2d 559, 2 Ill Dec 285, 357 NE2d 452, later proceeding (1st Dist) 105 Ill App 3d 298, 61 Ill Dec 172, 434 NE2d 325.

<sup>10</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 NE2d 1172, reh gr (Ind App) 659 NE2d 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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

1.1. Statutory “U.S. citizen” pursuant to [8 U.S.C. §1401](#) if a domestic national.

1.2. Statutory “Permanent resident” pursuant to [26 U.S.C. §7701\(b\)\(1\)\(A\)](#) if a foreign national.

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

*Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002*

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

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

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

Chapter 1

Introduction

§1.1 Generally

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

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

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

5. [I.R.C. §501\(c\)\(3\)](#) status for churches. Churches that register under this program become government “trustees” and “public officers” that are part of the government. Is THIS what you call “separation of church and state”? See:

<http://famguardian.org/Subjects/Spirituality/spirituality.htm>

6. Serving as a jurist. [18 U.S.C. §201\(a\)\(1\)](#) says that all persons serving as federal jurists are “public officials”.

7. Attorney licenses. All attorneys are “officers of the court” and the courts in turn are part of the government. See:

<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/Corruption/WhyYouDontWantAnAtty/WhyYouDon'tWantAnAttorney.htm>

8. Marriage licenses. Marriage licenses are a three party contract between the spouses and the government and make the husband and wife into wards of the government and polygamists. They also convey jurisdiction to the government to regulate that which is otherwise a private relation. See:

*Sovereign Christian Marriage*

<http://sedm.org/ItemInfo/Ebooks/SovChristianMarriage/SovChristianMarriage.htm>

9. Driver’s licenses. All “drivers” are public officers engaged in commercial activity as agents of the government and who are using public property, meaning the public roads, for exclusively public gain. See:

*Defending Your Right to Travel*

<http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>

10. Professional licenses.

11. Fishing licenses.

12. Social Security benefits. See:

<http://sedm.org/Forms/Emancipation/SSTrustIndenture.pdf>

13. Medicare.

14. Medicaid.

15. FDIC insurance of banks. [31 CFR §202.2](#) says all FDIC insured banks are “agents” of the federal government and therefore “public officers”.

Signing up for the franchise therefore creates an “office” upon which government statutes may lawfully operate, which is called the “res” and “person”.

*Res. Lat. The subject matter of a trust or will. In the civil law, a thing; an object. As a term of the law, this word has a very wide and extensive signification, including not only things which are objects of property, but also such as are not capable of individual ownership. And in old English law it is said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,” according to the modern civilians, is meant everything that may form an object of rights, in opposition to “persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions*

1 of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference  
2 to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

3 **Res is everything that may form an object of rights and includes an object, subject-matter or status. In re**  
4 **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-**  
5 **matter, or status, considered as the defendant in an action, or as an object against which, directly,**  
6 **proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this**  
7 **character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding,**  
8 **as when a cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_".**  
9 **[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]**

10 Without a natural being to create and fill the "office" statutorily created by the franchise agreement, there is no "person"  
11 upon whom the government can legislative for. This is because it is otherwise unlawful for the government to regulate  
12 private conduct. Note, for instance, the use of the phrase "private business" in the U.S. Supreme Court ruling below:

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

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

27 **"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes**  
28 **of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States**  
29 **v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190**  
30 **U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or**  
31 **modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest,**  
32 **383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not**  
33 **been questioned."**  
34 **[City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 (1997) ]**

35 Therefore, franchises are the method by which offices are created that make the regulation of private conduct lawful in a  
36 way that would otherwise be unlawful. The following legal treatise proves with evidence that the only thing that  
37 government can lawfully legislative for are its own officers, contractors, and agents, all of whom entered into that relation  
38 by exercising their right to contract:

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

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

- 41 1. Signing up to procure a license of some kind, such as:
  - 42 1.1. Professional licenses.
  - 43 1.2. Business licenses.
  - 44 1.3. Driver licenses.
  - 45 1.4. Marriage licenses.

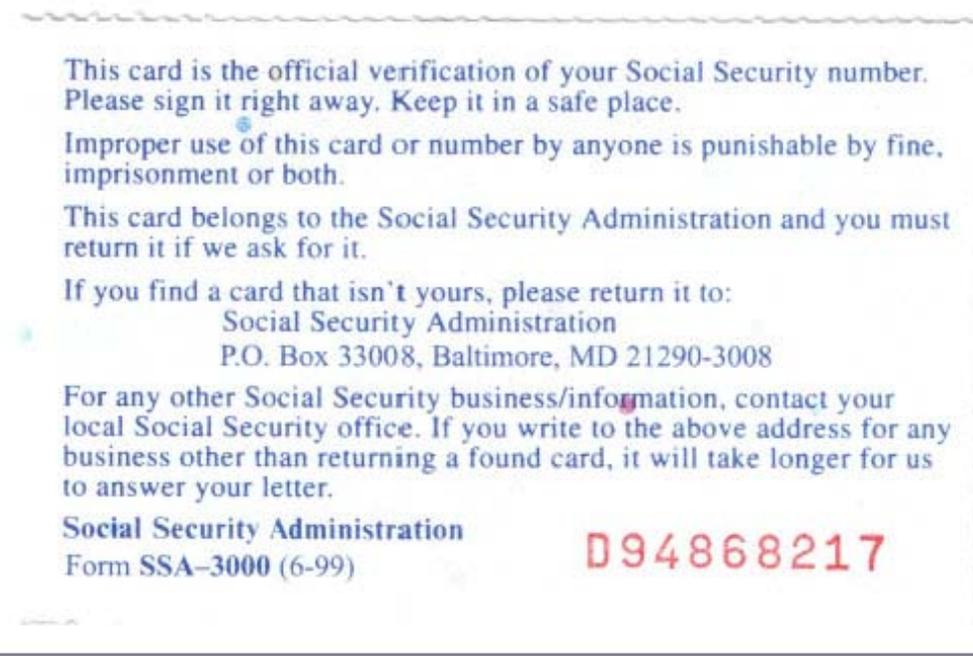
- 46 2. Signing an application for government "benefits". See:

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

- 47 3. Possessing or using government property such as a government identifying number and thereby becoming a transferee,  
48 trustee, and fiduciary over such property.
  - 49 3.1. 20 CFR §422.103(d) says the Social Security Number and card belongs to the government and not the holder.

1 3.2. The back of the Social Security Card says the card belongs to the government and not the holder and must be  
2 returned upon request.

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



4  
5 Notice that the authority of the government to penalize you derives from the franchise contract, as evidenced by the back of  
6 the Social Security Card above. It would otherwise constitute an unlawful bill of attainder for an administrative agency of  
7 the government to penalize an otherwise PRIVATE citizen:

8 **Bill of attainder.** Legislative acts, no matter what their form, that apply either to named individuals or to easily  
9 ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial.  
10 *United States v. Brown*, 381 U.S. 437, 448-49, 85 S.Ct. 1707, 1715, 14 L.Ed. 484, 492; *United States v. Lovett*,  
11 328 U.S. 303, 315, 66 S.Ct. 1073, 1079, 90 L.Ed. 1252. An act is a "bill of attainder" when the punishment is  
12 death and a "bill of pains and penalties" when the punishment is less severe; both kinds of punishment fall  
13 within the scope of the constitutional prohibition. U.S.Const. Art. I, Sect 9, Cl. 3 (as to Congress); Art. I, Sec,  
14 10 (as to state legislatures).  
15 [*Black's Law Dictionary, Sixth Edition, p. 165*]

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

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

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

23 [SOURCE: <http://www.law.cornell.edu/ucc/9/article9.htm#s9-102>]  
24

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

26 (44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) [fixtures](#),  
27 (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, **(iii) the unborn**  
28 **young of animals [human beings]**, (iv) crops grown, growing, or to be grown, even if the crops are produced  
29 on trees, vines, or bushes, and (v) [manufactured homes](#). The term also includes a computer program embedded  
30 in goods and any supporting information provided in connection with a transaction relating to the program if  
31 (i) the program is associated with the goods in such a manner that it customarily is considered part of the

1 goods, or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection  
2 with the goods. The term does not include a computer program embedded in goods that consist solely of the  
3 medium in which the program is embedded. The term also does not include [accounts](#), [chattel paper](#), [commercial](#)  
4 [tort claims](#), [deposit accounts](#), [documents](#), [general intangibles](#), [instruments](#), [investment property](#), [letter-of-credit](#)  
5 [rights](#), letters of credit, money, or oil, gas, or other minerals before extraction.

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

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

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

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

13 "Transmitting Utility" we define as follows:

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

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

21 Uniform Commercial Code (UCC)  
22 [§ 3-419. INSTRUMENTS SIGNED FOR ACCOMMODATION.](#)

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

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

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

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

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

49 (f) An accommodation party who pays the [instrument](#) is entitled to reimbursement from the accommodated  
50 party and is entitled to enforce the instrument against the accommodated party. In proper circumstances, an  
51 accommodation party may obtain relief that requires the accommodated party to perform its obligations on the

1 instrument. An accommodated party that pays the instrument has no right of recourse against, and is not  
2 entitled to contribution from, an accommodation party.

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

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

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

17 ***But it must be remembered that all are presumed to know the law, and that whoever deals with a  
18 municipality\*643 is bound to know the extent of its powers. Those who contract with it, or furnish it supplies,  
19 do so with reference to the law, and must see that limit is not exceeded. With proper care on their part and on  
20 the part of the representatives of the municipality, there is no danger of loss."***  
21 *[San Francisco Gas Co. v. Brickwedel, 62 Cal. 641 (1882). See also Dore v. Southern Pacific Co. (1912), 163  
22 Cal. 182, 124 P. 817; People v. Flanagan (1924), 65 Cal.app. 268, 223 P. 1014; Lincoln v. Superior Court  
23 (1928), 95 Cal.App. 35, 271 P. 1107; San Francisco Realty Co. v. Linnard (1929), 98 Cal.App. 33, 276 P. 368]*

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

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

31 *Uniform Commercial Code*  
32 *Section 1-308*

33 *Performance or Acceptance Under Reservation of Rights*

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

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

38 *"SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence  
39 of consent"*  
40 *[Black's Law Dictionary, Fourth Edition, p. 1593]*

41 *Qui tacet consentire videtur.*  
42 *He who is silent appears to consent. Jenk. Cent. 32.*  
43 *[Bouvier's Maxims of Law, 1856;*  
44 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouvierMaxims.htm>]*  
45

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

*“The more you want, the more the world can hurt you.  
[Confucius]*

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

## 4 WHY was the straw man created?

### 4.1 Government can’t lawfully impose duties upon private citizens

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

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

*United States Constitution  
Thirteenth Amendment - Slavery And Involuntary Servitude*

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

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

The Thirteenth Amendment applies EVERYWHERE, including on federal territory:

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

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

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

*[Clyatt v. U.S., 197 U.S. 207 (1905)]*

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

[Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002](#)

**Proof that There Is a “Straw man”**

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Form 05.042, Rev. 6-2-2008

29 of 109

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

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

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

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

11 **Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law**  
12 **[which is to avoid hurting your neighbor and thereby love him].**  
13 *[Romans 13:9-10, Bible, NKJV]*  
14

15 *"Do not strive with a man without cause, **if he has done you no harm.**"*  
16 *[Prov. 3:30, Bible, NKJV]*  
17

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

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

- 26 1. Choosing a definition for "person" that excludes natural beings protected by the Thirteenth Amendment.
- 27 2. Ensuring that all natural beings who might fit the definition of "person" within the statute have to manifest consent in  
28 some form in order to become subject to the statute. That consent might come in any of the following forms:
  - 29 2.1. Applying for a license.
  - 30 2.2. Filling out an application for "benefits".
  - 31 2.3. Receiving a specific "benefit" of a government franchise.
  - 32 2.4. Entering into government service or employment.
  - 33 2.5. Engaging in contracts with the government.
- 34 3. Placing warnings on the instruments by which the benefits of government franchises are conveyed to the natural being.  
35 For instance, the Social Security Card acts as a "de facto license" to engage in a government franchise. It contains the  
36 following warning on the back, which gives "reasonable notice" to all those in possession of it that they are party to a  
37 government franchise and that they have forfeited the protections of the Thirteenth Amendment and agree to act as a  
38 fiduciary, trustee, and transferee over said property:

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

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

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

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

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

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

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

## 28 4.2 Government can't lawfully pay public monies to private persons

29 We will prove in this section that:

- 30 1. It is an abuse of the government's taxing power, according to the U.S. Supreme Court, to pay public monies to private  
31 persons or to use the government's taxing power to transfer wealth between groups of private individuals.
- 32 2. Because of these straight jacket constraints of the use of "public funds" by the government, the government can only  
33 lawfully make payments or pay "benefits" to persons who have contracted with them to render specific services that  
34 are authorized by the Constitution to be rendered.
- 35 3. The government had to create an intermediary called the "straw man" that is a public office or agent within the  
36 government and therefore part of the government that they could pay the "benefit" to in order to circumvent the  
37 restrictions upon the government from abusing its powers to transfer wealth between private individuals.

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

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

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

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

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

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

21 Black's Law Dictionary defines the word "public purpose" as follows:

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

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

39 A related word defined in Black's Law Dictionary is "public use":

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

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

58 See also *Condemnation; Eminent domain.*

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

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

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

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

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

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

- 25 1. Theft and robbery by the government in the guise of "taxation"
- 26 2. Government by decree rather than by law
- 27 3. Tyranny
- 28 4. Socialism
- 29 5. Mob rule and a tyranny by the "have-nots" against the "haves"
- 30 6. [18 U.S.C. §241](#): Conspiracy against rights. The IRS shares tax return information with states of the union, so that both  
31 of them can conspire to deprive you of your property.
- 32 7. [18 U.S.C. §242](#): Deprivation of rights under the color of law. The Fifth Amendment says that people in states of the  
33 Union cannot be deprived of their property without due process of law or a court hearing. Yet, the IRS tries to make it  
34 appear like they have the authority to just STEAL these people's property for a fabricated tax debt that they aren't even  
35 legally liable for.
- 36 8. [18 U.S.C. §247](#): Damage to religious property; obstruction of persons in the free exercise of religious beliefs
- 37 9. [18 U.S.C. §872](#): Extortion by officers or employees of the United States.
- 38 10. [18 U.S.C. §876](#): Mailing threatening communications. This includes all the threatening notices regarding levies, liens,  
39 and idiotic IRS letters that refuse to justify why government thinks we are "liable".
- 40 11. [18 U.S.C. §880](#): Receiving the proceeds of extortion. Any money collected from Americans through illegal  
41 enforcement actions and for which the contributors are not "liable" under the law is extorted money, and the IRS is in  
42 receipt of the proceeds of illegal extortion.
- 43 12. [18 U.S.C. §1581](#): Peonage, obstructing enforcement. IRS is obstructing the proper administration of the Internal  
44 Revenue Code and the Constitution, which require that they respect those who choose NOT to volunteer to participate  
45 in the federal donation program identified under subtitle A of the I.R.C.
- 46 13. [18 U.S.C. §1583](#): Enticement into slavery. IRS tries to enlist "nontaxpayers" to rejoin the ranks of other peons who  
47 pay taxes they aren't demonstrably liable for, which amount to slavery.
- 48 14. [18 U.S.C. §1589](#): Forced labor. Being forced to expend one's personal time responding to frivolous IRS notices and  
49 pay taxes on my labor that I am not liable for.

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

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

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

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

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

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

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

11	<b>Tax system based on this approach based on</b>	Private property	All property being owned by the state through eminent domain. Tax becomes a means of “renting” what amounts to state property to private individuals for temporary use.
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1 The U.S. Supreme Court also helped to clarify how to distinguish the two above categories when it said:

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

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

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

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

29 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
30 [§ 552a. Records maintained on individuals](#)

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

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

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

37 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
38 [§ 552a. Records maintained on individuals](#)

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

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

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

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

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

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

28 **QUESTIONS FOR DOUBTERS:** If you aren't a federal “employee” as a person participating in Social Security and the  
29 Internal Revenue Code, then why are all of the Social Security Regulations located in Title 20 of the Code of Federal  
30 Regulations under parts 400-499, entitled “Employee Benefits”? See for yourself:  
31 [http://ecfr.gpoaccess.gov/cgi/t/text/text-  
32 idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab\\_02.tpl](http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?sid=f073dcf7b1b49c3d353eaf290d735663&c=ecfr&tpl=/ecfrbrowse/Title20/20tab_02.tpl)

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

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

44 **Love does no harm to a neighbor; therefore love is the fulfillment of [the ONLY requirement of] the law**  
45 **[which is to avoid hurting your neighbor and thereby love him].**  
46 [*Romans 13:9-10, Bible, NKJV*]  
47

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

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

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

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

11 *"The power to "legislate generally upon" life, liberty, and property, as opposed to the "power to provide modes  
12 of redress" against offensive state action, was "repugnant" to the Constitution. Id., at 15. See also United States  
13 v. Reese, 92 U.S. 214, 218 (1876); United States v. Harris, 106 U.S. 629, 639 (1883); James v. Bowman, 190  
14 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or  
15 modified, see, e.g., Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964); United States v. Guest,  
16 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not  
17 been questioned."*  
18 [*City of Boerne v. Flores, Archbishop of San Antonio, 521 U.S. 507 (1997)*]

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

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

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

35 26 U.S.C. Sec. 7701(a)(26)

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

37 Below is the definition of "public office":

38 Public office

39 *"Essential characteristics of a 'public office' are:*

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

50 [*Black's Law Dictionary, Sixth Edition, p. 1230*]

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

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

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

17 “Corporations are also of all grades, and made for varied objects; **all governments are corporations, created**  
18 **by usage and common consent, or grants and charters which create a body politic for prescribed purposes;**  
19 **but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise**  
20 **of power, they are all governed by the same rules of law, as to the construction and the obligation of the**  
21 **instrument by which the incorporation is made. One universal rule of law protects persons and property.** It is  
22 a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all  
23 persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2  
24 Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same  
25 footing of protection as other persons, and their corporate property secured by the same laws which protect  
26 that of individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law,  
27 is a principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the  
28 federal government, by the amendments to the constitution."  
29 [Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, [36 U.S. 420](#) (1837)]  
30

31 [TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE](#)  
32 [PART VI - PARTICULAR PROCEEDINGS](#)  
33 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)  
34 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)  
35 [Sec. 3002. Definitions](#)

- 36 (15) **"United States" means -**  
37 (A) **a Federal corporation;**  
38 (B) **an agency, department, commission, board, or other entity of the United States; or**  
39 (C) **an instrumentality of the United States.**

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

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<sup>11</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 ALR 321; Jersey City v. Hague, 18 NJ 584, 115 A2d 8.  
<sup>12</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga 543, 291 SE2d 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill App 3d 796, 113 Ill Dec 712, 515 NE2d 697, app gr 117 Ill Dec 226, 520 NE2d 387 and revd on other grounds 128 Ill 2d 147, 131 Ill Dec 145, 538 NE2d 520.  
<sup>13</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill 2d 555, 37 Ill Dec 291, 402 NE2d 181, appeal after remand (1st Dist) 107 Ill App 3d 222, 63 Ill Dec 134, 437 NE2d 783.  
<sup>14</sup> United States v. Holzer (CA7 Ill) 816 F2d 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S Ct 53, on remand (CA7 Ill) 840 F2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S Ct 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).  
<sup>15</sup> Chicago ex rel. Cohen v. Keane, 64 Ill 2d 559, 2 Ill Dec 285, 357 NE2d 452, later proceeding (1st Dist) 105 Ill App 3d 298, 61 Ill Dec 172, 434 NE2d 325.  
<sup>16</sup> Indiana State Ethics Comm’n v. Nelson (Ind App) 656 NE2d 1172, reh gr (Ind App) 659 NE2d 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

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

11          ***My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government***  
12          ***FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a***  
13          ***"U.S. citizen".***  
14          *Keep your foot from their path;*  
15          *For their feet run to evil,*  
16          *And they make haste to shed blood.*  
17          *Surely, in vain the net is spread*  
18          *In the sight of any bird;*  
19          ***But they lie in wait for their own blood.***  
20          ***They lurk secretly for their own lives.***  
21          ***So are the ways of everyone who is greedy for gain [or unearned government benefits];***  
22          ***It takes away the life of its owners."***  
23          *[Proverbs 1:10-19, Bible, NKJV]*

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

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

35 Any legal person, whether it be a natural person, a corporation, or a trust, may become a "public office" if it volunteers to  
36 do so. A subset of those engaging in such a "public office" are federal "employees", but the term "public office" or "trade  
37 or business" encompass much more than just government "employees". In law, when a legal "person" volunteers to accept  
38 the legal duties of a "public office", it therefore becomes a "trustee", an agent, and fiduciary (as defined in [26 U.S.C.](#)  
39 [§6903](#)) acting on behalf of the federal government by the operation of private contract law. It becomes essentially a  
40 "franchisee" of the federal government carrying out the provisions of the franchise agreement, which is found in:

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

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

<p>44 <u><a href="#">The "Trade or Business" Scam</a>, Form #05.001</u></p> <p>45 <u><a href="http://sedm.org/Forms/MemLaw/TradeOrBusScam.pdf">http://sedm.org/Forms/MemLaw/TradeOrBusScam.pdf</a></u></p>
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44 If you would like to know more about the extreme dangers of participating in all government franchises and why you  
45 destroy ALL your Constitutional rights and protections by doing so, see:

- 46 1. [Government Instituted Slavery Using Franchises](#), Form #05.030
- 47 <http://sedm.org/Forms/FormIndex.htm>
- 48 2. Liberty University, Section 4:
- 49 <http://sedm.org/LibertyU/LibertyU.htm>

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

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

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

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

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

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

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

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

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

24 *“THE” + “IRS” = “THEIRS”*

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

26 *“The restrictions that the Constitution places upon the government in its capacity as lawmaker, i.e., as the  
27 regulator of private conduct, are not the same as the restrictions that it places upon the government in its  
28 capacity as employer. We have recognized this in many contexts, with respect to many different constitutional  
29 guarantees. Private citizens perhaps cannot be prevented from wearing long hair, but policemen can. Kelley v.  
30 Johnson, 425 U.S. 238, 247 (1976). Private citizens cannot have their property searched without probable  
31 cause, but in many circumstances government employees can. O’Connor v. Ortega, 480 U.S. 709, 723 (1987)  
32 (plurality opinion); id., at 732 (SCALIA, J., concurring in judgment). Private citizens cannot be punished for  
33 refusing to provide the government information that may incriminate them, but government employees can be  
34 dismissed when the incriminating information that they refuse to provide relates to the performance of their job.  
35 Gardner v. Broderick, [497 U.S. 62, 95] 392 U.S. 273, 277-278 (1968). With regard to freedom of speech in  
36 particular: Private citizens cannot be punished for speech of merely private concern, but government employees  
37 can be fired for that reason. Connick v. Myers, 461 U.S. 138, 147 (1983). Private citizens cannot be punished  
38 for partisan political activity, but federal and state employees can be dismissed and otherwise punished for that  
39 reason. Public Workers v. Mitchell, 330 U.S. 75, 101 (1947); Civil Service Comm’n v. Letter Carriers, 413 U.S.  
40 548, 556 (1973); Broadrick v. Oklahoma, 413 U.S. 601, 616 -617 (1973).”  
41 [Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990)]*

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

44 *“In the general course of human nature, A POWER OVER A MAN’S SUBSISTENCE AMOUNTS TO A POWER  
45 OVER HIS WILL.”  
46 [Alexander Hamilton, Federalist Paper No. 79]*

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

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

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

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

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

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

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

48 *MYSTERY, BABYLON THE GREAT, THE MOTHER OF HARLOTS AND OF THE ABOMINATIONS OF THE*  
49 *EARTH.*

50 *I saw the woman, drunk with the blood of the saints and with the blood of the martyrs of Jesus. And when I saw*  
51 *her, I marveled with great amazement.”*  
52 *[Rev. 17:3-6, Bible, NKJV]*

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

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

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

8 *“The waters which you saw, where the harlot sits, are peoples, multitudes, nations, and tongues.”*  
9 *[Rev. 17:15, Bible, NKJV]*

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

11 *“And I saw **the beast, the kings of the earth**, and their armies, gathered together to make war against Him who*  
12 *sat on the horse and against His army.”*  
13 *[Rev. 19:19, Bible, NKJV]*

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

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

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

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

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

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

1 **4.3 Government can't lawfully maintain records on private persons without violating their**  
2 **Fourth Amendment Rights**

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

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

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

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

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

28 *Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical*  
29 *thing, as right to possess, use and dispose of it. Cereghino v. State By and Through State Highway Commission,*  
30 *230 Or. 439. 370 P.2d 694, 697.*

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

33 *Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal*  
34 *property, contract rights, choses-in-action and other interests in or claims to wealth, admission or*  
35 *transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal*  
36 *Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q*  
37 *2(c), it denotes interest in things and not the things themselves.*  
38 *[Black's Law Dictionary, Fifth Edition, p. 1095]*

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

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

48 1.1. The authority for such reports is found in 31 U.S.C. §5331:

49 [TITLE 31 > SUBTITLE IV > CHAPTER 53 > SUBCHAPTER II > § 5331](#)  
50 [§ 5331. Reports relating to coins and currency received in nonfinancial trade or business](#)

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

7 1.2. A “trade or business” is defined as follows:

8 Title 31: Money and Finance: Treasury  
9 [PART 103—FINANCIAL RECORDKEEPING AND REPORTING OF CURRENCY AND FOREIGN](#)  
10 [TRANSACTIONS](#)  
11 [Subpart B—Reports Required To Be Made](#)  
12 [§103.30 Reports relating to currency in excess of \\$10,000 received in a trade or business.](#)

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

15  
16 [26 U.S.C. Sec. 7701\(a\)\(26\)](#)

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

18 1.3. IRS Publication 334 says the following of the requirement for Currency Transaction Reporting:

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

26 1.4. The following regulation identifies when Currency Transaction Reports are Not required:

27 [31 CFR 103.30\(d\)\(2\) General](#)

28 (2) **Receipt of currency not in the course of the recipient’s trade or business.** The receipt of currency in  
29 excess of \$10,000 by a person other than in the course of the person’s trade or business is not reportable  
30 under 31 U.S.C. 5331.

31 1.5. If you would like a form you can use to give to financial institutions who are filling out Currency Transaction  
32 Reports against you when you are NOT in fact engaged in a “trade or business” and therefore a “public office”  
33 within the U.S. Government, see:

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

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

37 2.1. The act is found in Title 5 of the U.S. Code, which is entitled “Government Organization and Employees”. The  
38 act cannot and does not regulate the conduct or rights of private persons.

39 2.2. The term “individual” about whom the information is maintained is defined as a statutory “citizen of the United  
40 States” or permanent resident”, both of whom have a domicile on federal territory.

41 [TITLE 5 - GOVERNMENT ORGANIZATION AND EMPLOYEES](#)  
42 [PART 1 - THE AGENCIES GENERALLY](#)  
43 [CHAPTER 5 - ADMINISTRATIVE PROCEDURE](#)  
44 [SUBCHAPTER II - ADMINISTRATIVE PROCEDURE](#)  
45 [Sec. 552a. Records maintained on individuals](#)

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

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

3 2.3. It does not include anyone domiciled in a state of the Union. Such persons are beyond the legislative reach of  
4 Congress, because they are protected by the Fourth Amendment. "citizens and residents of the United States", on  
5 the other hand, are domiciled on federal territory and therefore are NOT protected by the Constitution.

6 "It is no longer open to question that the general government, unlike the states, *Hammer v. Dagenhart*, [247](#)  
7 [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  
8 internal affairs of the states; and emphatically not with regard to legislation."  
9 [*Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)]

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

26 2.4. 5 U.S.C. §552a(b) requires that the government may not maintain the records on an "individual" without the  
27 express consent of the individual. Consequently, if the individual does not consent and notifies the agency of the  
28 absence of consent, the records must destroy and no longer maintain the records. Every time we correspond with  
29 the IRS, we tell them:

30 2.4.1. That we are not the "citizen" or "resident" named in the Privacy Act because not domiciled on federal  
31 territory. Therefore, we are not and cannot be the "individual" named in the Privacy Act and they have no  
32 delegated authority to maintain records about use and must destroy any records that they do have.

33 2.4.2. That they do not have our consent to maintain records and consequently, they must destroy the records  
34 pursuant to 5 U.S.C. §552a(b)

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

[Wrong Party Notice, Form #07.012](#)  
<http://sedm.org/Forms/FormIndex.htm>

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

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

43 "Incorporated [e.g. PUBLIC] banks, like other organizations, have no privilege against compulsory self-  
44 incrimination, e.g., *Hale v. Henkel*, 201 U.S. 43, 74-75, 26 S.Ct. 370, 378-379, 50 L.Ed. 652 (1906); *Wilson v.*  
45 *United States*, 221 U.S. 361, 382-384, 31 S.Ct. 538, 545-546, 55 L.Ed. 771 (1911); *United States v. White*, 322  
46 *U.S. 694, 699, 64 S.Ct. 1248, 1251, 88 L.Ed. 1542 (1944)*. Since a party incriminated by evidence produced by  
47 a third party sustains no violation of his own Fifth Amendment rights, *Johnson v. United States*, 228 U.S. 457,  
48 458, 33 S.Ct. 572, 57 L.Ed. 919 (1913); *Couch v. United States*, 409 U.S., at 328, 93 S.Ct., at 615, the depositor  
49 plaintiffs here present no meritorious Fifth Amendment challenge to the recordkeeping requirements."  
50 [*California Bankers Ass'n v. Shultz*, [416 U.S. 21, 55, 94 S.Ct. 1494](#) (U.S. Cal. 1974)]

51 The above considerations, for instance, explain why the U.S. Supreme Court upheld the legality of the Bank Secrecy Act in  
52 the case of California Bankers Ass'n v. Shultz, [416 U.S. 21, 94 S.Ct. 1494](#) (U.S. Cal. 1974). That act required FDIC insured  
53 banks to maintain copies of cancelled checks against their customers. The act, ironically, was enacted to combat tax  
54 avoidance by "taxpayers" who were employing foreign bank accounts. Recall that all "taxpayers" are "public officers"

1 within the government by virtue of participating in the “trade or business” franchise that is the main subject of Internal  
2 Revenue Code, Subtitle A:

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

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

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

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

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

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

- 29 *(1) Financial institutions insured by the Federal Deposit Insurance Corporation.*
- 30 *(2) Credit unions insured by the National Credit Union Administration.*
- 31 *(3) Banks, savings banks, savings and loan, building and loan, and homestead associations, credit unions*  
32 *created under the laws of any State, the deposits or accounts of which are insured by a State or agency thereof*  
33 *or by a corporation chartered by a State for the sole purpose of insuring deposits or accounts of such financial*  
34 *institutions, United States branches of foreign banking corporations authorized by the State in which they are*  
35 *located to transact commercial banking business, and Federal branches of foreign banking corporations, the*  
36 *establishment of which has been approved by the Comptroller of the Currency.*

37 *(b) In order to be eligible for designation, a financial institution is required to possess, under its charter and*  
38 *the regulations issued by its chartering authority, either general or specific authority to perform the services*  
39 *outlined in Sec. 202.3(b). A financial institution is required also to possess the authority to pledge collateral to*  
40 *secure public funds.*  
41 *[44 FR 53066, Sept. 11, 1979, as amended at 46 FR 28152, May 26, 1981; 62 FR 45521, Aug. 27, 1997]*

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

49 *“The bank plaintiffs somewhat halfheartedly argue, on the basis of the costs which they estimate will be*  
50 *incurred by the banking industry in complying with the Secretary’s recordkeeping requirements, that this*  
51 *cost burden alone deprives them of due process of law. They cite no cases for this proposition, and it does not*  
52 *warrant extended treatment. In its complaint filed in the District Court, plaintiff Security National Bank*

1 asserted that it was an ‘insured’ national bank; to the extent that Congress has acted to require records on  
2 the part of banks insured by the Federal Deposit Insurance Corporation, or of financial institutions insured  
3 under the National Housing Act, Congress is simply imposing a condition on the spending of public funds.  
4 See, e.g., Steward Machine Co. v. Davis, 301 U.S. 548, 57 S.Ct. 883, 81 L.Ed. 1279 (1937); Helvering v.  
5 Davis, 301 U.S. 619, 57 S.Ct. 904, 81 L.Ed. 1307 (1937). Since there was no allegation in the complaints filed  
6 in the District Court, and since it is not contended here that any bank plaintiff is not covered by FDIC or  
7 Housing Act insurance, it is unnecessary to consider what questions would arise had Congress relied solely  
8 upon its power over interstate commerce to impose the recordkeeping requirements. The cost burdens  
9 imposed on the banks by the recordkeeping requirements are far from unreasonable, and we hold that such  
10 burdens do not deny the banks due process of law.<sup>FN22</sup>

11 FN22. The only figures in the record as to the cost burden placed on the banks by the recordkeeping  
12 requirements show that the Bank of America, one of the largest banks in the United States, with 997 branches,  
13 \$29 billion in deposits, and a net income in excess of \$178 million (Moody's Bank and Finance Manual 633-636  
14 (1972)), expended \$392,000 in 1971, including start-up costs, to comply with the microfilming requirements of  
15 Title I of the Act. Affidavit of William Ehler, App. 24-25. The hearings before the House Committee on Banking  
16 and Currency indicated that the cost of making microfilm copies of checks ranged from 1 1/2 mills per check for  
17 small banks down to about 1/2 mill or less for large banks. See House Hearings, supra, n. 1, at 341, 354-356;  
18 H.Rep.No.91-975, supra, at 11. The House Report further indicates that the legislation was not expected to  
19 significantly increase the costs of the banks involved since it was found that many banks already followed the  
20 practice of maintaining the records contemplated by the legislation.  
21 [California Bankers Ass'n v. Shultz, 416 U.S. 21,29, 94 S.Ct. 1494 (U.S.Cal. 1974)]

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

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

The Great IRS Hoax, Form #11.007  
<http://sedm.org/Forms/FormIndex.htm>

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

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

franchise. Loss of privacy therefore became the consideration that depositors paid for the “privilege” of having their deposits protected by FDIC insurance. That loss of privacy consisted of:

3.1. Having usually FALSE Currency Transaction Reports (CTRs) filed against them by ignorant bank employees who have not been educated on what a “trade or business” is.

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

4. If you want privacy, then you:

4.1. Can’t participate in government franchises

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

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

4.4. Must educate bank clerks that you are not engaged in the “trade or business” franchise and therefore may not lawfully become the subject of Currency Transaction Reports (CTRs). See:

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

## **5 Franchises implemented as trusts are the vehicle used to create the “straw man”**

Every straw man we have identified:

1. Is a “public officer” within the government.

2. Is in receipt, custody, or control of public property.

3. Has a fiduciary duty to the government as a “trustee” over public property.

4. Consented at some point to act as a “trustee” by filling out a government form such as a license or application for “benefits”. See:

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

Why did the government use the mechanism of trusts to implement the straw man? Because once you sign up to become the trustee, you can’t resign without the express permission of the beneficiary under the terms of the trust indenture or contract itself. You know the government ain’t NEVER gonna give you permission to quit your job as trustee and their free WHORE.

### **VIII. Devestment of Office.**

*A trustee is discharged:*

(1) by extinction of the trust,

(2) by completion of his duties,

(3) by such means as the instrument contemplates,

(4) by consent of the beneficiaries,

(5) by judgment of a competent court. <sup>17</sup>

[ . . . ]

*The trustee cannot abandon his trust, and even if he conveys away the property he will still remain liable as trustee;<sup>18</sup> but he may resign.<sup>19</sup>*

*Resignation. The resignation in most jurisdictions may be at pleasure,<sup>20</sup> and in any jurisdiction for good reason.<sup>21</sup>*

<sup>17</sup> Rev. Civ. Code So. Dak. (1903), 1651; Rev. Code N. Dak (1895), 4298; Civ. Code Cal. (1903), 2282.

<sup>18</sup> Webster v. Vandeventer, 6 Gray, 428.

<sup>19</sup> Mass. Rev. Laws (1902). ch. 147, 12.

<sup>20</sup> Bogle v. Bogle, 3 Allen, 158; Ellis v. Boston, H. & E. Railroad, 107 Mass. 1 ; statutes passim.

<sup>21</sup> Craig v. Craig, 3 Barb. Ch. 76 ; Dean v. Lanford, 9 Rich. Eq. (S. C.) 423.

1 To be effective, the resignation must be made either according to an express provision of the trust instrument,<sup>22</sup>  
2 or with the assent of all the beneficiaries or the court.<sup>23</sup>

3 The assent of the beneficiaries must be unanimous; hence, if some are under age, unascertained, unborn, or  
4 incompetent, a valid assent cannot be given by the beneficiaries, and resort must be had to the court.

5 The mere resignation and acceptance thereof will not convey the title to the property, but the trustee should  
6 then divest himself of the property by suitable conveyances, and complete his duties, and until he does so he  
7 will remain liable as trustee.<sup>24</sup>

8 Even where all persons in interest assent, it has been suggested that the resignation is not complete without the  
9 action of the court,<sup>25</sup> but it is, to say the least, doubtful; and especially as all persons who are likely to raise  
10 the question are concluded by their assent.

11 The resignation need not be in writing, and where a trustee has conveyed the trust property to a successor  
12 appointed by the court, there being no evidence of any direct resignation, one would be presumed.<sup>26</sup>

13 Ordinarily courts of probate have jurisdiction in these matters; but where it is not specially given to them, a  
14 court of equity will have the power to accept a resignation among its ordinary powers, and generally has  
15 concurrent jurisdiction where the Probate Court has the power.<sup>27</sup>

16 The court will not accept a resignation until the retiring trustee has settled his account,<sup>28</sup> and returned any  
17 benefit connected with the office,<sup>29</sup> and in some jurisdictions they will require a successor to be provided for.<sup>30</sup>

18 Where there is more than one trust in the same instrument, the rule for resignation is the same as for  
19 acceptance; namely, unless the trusts are divisible, all or neither must be resigned.<sup>31</sup>  
20 [A Trustees Handbook, Third Edition, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22;  
21 SOURCE: <http://www.archive.org/details/trusteeshandbook00loriiala>]

22 Because you can't quit as trustee without their permission, government franchises and "benefits" behave as "adhesion  
23 contracts:

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

34 We allege that the nature of Social Security as a trust and your role as a "trustee" explains why:

- 35 1. They can tell you that you aren't allowed to quit. The trust indenture doesn't permit the trustees to quit.  
36 2. They will fraudulently call you the "beneficiary" even though technically you AREN'T the beneficiary, but the  
37 "trustee". They want to fool you into believing that you are "benefitted" by being their cheap whore so you won't rattle  
38 your legal chains and try to resign as trustee or complain about the burdens of your uncompensated position. The BIG

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<sup>22</sup> Stearns v. Fraleigh, 39 Fla. 603.

<sup>23</sup> Cruger y. Halliday, 11 Paige, 314.

<sup>24</sup> Ibid.

<sup>25</sup> Matter of Miller, 15 Abb. Pr. 277.

<sup>26</sup> Thomas v. Higham, 1 Bail. Eq. 222.

<sup>27</sup> Bowditch v. Banuelos, 1 Gray, 220.

<sup>28</sup> Statutes passim. In re Olmstead, 24 App. Div. (N. Y.) 190.

<sup>29</sup> Statutes passim. In re Olmstead, 24 App. Div. (N. Y.) 190.

<sup>30</sup> Civ. Code Cal. (1903), 2260; Rev. Civ. Code So. Dak. (1903), §1638.

<sup>31</sup> Carruth v. Carruth, 118 Mass. 431.

secret they can't clue you into is that you didn't get any "consideration" in exchange for your duties so the contract is not legally enforceable. The Courts have ruled that you have no legally enforceable right to collect anything.

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

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

3. They will accept anyone as an applicant. All it takes to become a trustee is your consent, and they don't care where you live, including outside of federal territory. Technically, 20 CFR §422.104 says that only statutory "citizens" and "permanent residents", both of whom are "U.S. persons" with a domicile on federal territory, can lawfully participate. However, in practice, if you go to the Dept. of Motor Vehicles to obtain a license and tell them you don't qualify for Social Security, they will demand a rejection letter from the Social Security Administration indicating that you don't qualify. Social Security then will say that you do qualify even if you aren't a "U.S. citizen" or "permanent resident" because their main job is to recruit more "taxpayers", not to follow the law.

The above may explain why the Bible says the following on the subject of government franchises, licenses, and "benefits":

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

**My son, do not walk in the way with them [do not ASSOCIATE with them and don't let the government FORCE you to associate with them either by forcing you to become a "taxpayer"/government whore or a "U.S. citizen"].**  
*Keep your foot from their path;  
For their feet run to evil,  
And they make haste to shed blood.  
Surely, in vain the net is spread  
In the sight of any bird;  
**But they lie in wait for their own blood.**  
**They lurk secretly for their own lives.**  
**So are the ways of everyone who is greedy for gain [or unearned government benefits];**  
**It takes away the life of its owners."**  
[Proverbs 1:10-19, Bible, NKJV]*

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*For thus says the LORD: " You have sold yourselves for nothing, And you shall be redeemed without money."  
[Isaiah 52:3, Bible, NKJV]*

The Social Security scam above is further documented later in section 6.5. This whole mess started in 1939, and it happened during Traitor Franklin Delano Roosevelt's presidency. In that year:

1. The Trust Indenture Act of 1939 was enacted that codified the above rules. See:

Trust Indenture Act of 1939, 15 U.S.C., Chapter 2A  
[http://straylight.law.cornell.edu/uscode/html/uscode15/usc\\_sup\\_01\\_15\\_10\\_2A.html](http://straylight.law.cornell.edu/uscode/html/uscode15/usc_sup_01_15_10_2A.html)

2. The Public Salary Tax Act of 1939 was passed, authorizing taxes on the salaries of "public officers". This tax is STILL the basis for the modern Internal Revenue Code. See:

Public Salary Tax Act of 1939  
<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

1 3. The Internal Revenue Code was enacted into law for the first time. See:

Internal Revenue Code or 1939  
<http://famguardian.org/PublishedAuthors/Govt/HistoricalActs/HistFedIncTaxActs.htm>

2 Only one year after all the above happened, the Buck Act of 1940 was enacted authorizing states to impose income taxes  
3 upon “public officers” of the United States government, thus completing the transformation of our tax system into a  
4 franchise based tax upon public offices that was common between both the states of the Union and the Federal government.  
5 The Buck Act can be found at 4 U.S.C. §105-113.

6 Most government franchises are implemented as trusts. When you complete and sign an application for a franchise such as  
7 Social Security, the following mechanisms occur:

- 8 1. A “public office” is created.
- 9 2. You become surety for the public office and thereby enter into a partnership with the office your consent created. That  
10 partnership, in fact, is the one referenced in the definition of “person” found in 26 U.S.C. §6671(b). You are in  
11 partnership with Uncle Sam, in fact, because the office is owned by Uncle:

12 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 68](#) > [Subchapter B](#) > [PART I](#) > § 6671  
13 [§ 6671. Rules for application of assessable penalties](#)

14 (b) Person defined

15 *The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or **a member***  
16 ***or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in***  
17 ***respect of which the violation occurs.***

- 18 3. You become a trustee and fiduciary in relation to the beneficiary, which is the government and not you.
- 19 4. You forfeit all rights affected by the franchise itself.

20 *“The Government urges that **the Power Company is estopped to question the validity of the Act creating the***  
21 ***Tennessee Valley Authority**, and hence that the stockholders, suing in the right of the corporation, cannot [297*  
22 *U.S. 323] maintain this suit. .... **The principle is invoked that one who accepts the benefit of a statute cannot***  
23 ***be heard to question its constitutionality. Great Falls Manufacturing Co. v. Attorney General, 124 U.S. 581;***  
24 ***Wall v. Parrot Silver & Copper Co., 244 U.S. 407; St. Louis Casting Co. v. Prendergast Construction Co.,***  
25 ***260 U.S. 469.**“*  
26 *[Ashwander v. Tennessee Valley Auth., 297 U.S. 288 (1936)]*

27 *“...when a State willingly accepts a substantial benefit from the Federal Government, it waives its immunity*  
28 *under the Eleventh Amendment and consents to suit by the intended beneficiaries of that federal assistance.”*  
29 *[Papasan v. Allain, 478 U.S. 265 (1986)]*

30 The reason the courts keep the subject of the “trade or business” franchise and the public offices that attach to it secret, is  
31 because they don’t want to inform the public of how they are TRAPPED into becoming uncompensated “employees” and  
32 “officers” of the government. It’s a legalized peonage and slavery scheme that no one would consent to if they were given  
33 all the facts about the affects of it BEFORE they signed that government application for a license or a benefit. Your  
34 consent instead is procured through constructive fraud and out of your own legal ignorance. They dumb you down about  
35 law in the public fool academy and then harvest your property using the stupidity they manufactured. Welcome to “The  
36 Matrix”, Neo.

37 *“SUB SILENTIO. Under silence; without any notice being taken. Passing a thing sub silentio may be evidence*  
38 *of consent”*  
39 *[Black’s Law Dictionary, Fourth Edition, p. 1593]*

40 *Qui tacet consentire videtur.*  
41 *He who is silent appears to consent. Jenk. Cent. 32.*  
42 *[Bouvier’s Maxims of Law, 1856;*  
43 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]*  
44

45 The weak point of the abuse of franchises and trusts to enslave you are the following:

- 46 1. There is no legally enforceable “consideration” so the franchise contract is unenforceable.

- 1 2. Your consent was procured before you became an adult. Contracts as a minor are unenforceable.
- 2 3. Your consent was not fully informed.
- 3 4. The contract was not signed by BOTH parties to it. There is no government signature, so it can't be binding.
- 4 5. The concept of equal protection and equal treatment that is the foundation of the Constitution allows you employ the
- 5 same techniques to protect yourself using franchises that they use to enslave you. In other words, you can make your
- 6 own "anti-franchise franchise". See:

*Requirement for Equal Protection and Equal Treatment*, Form #05.033  
<http://sedm.org/Forms/FormIndex.htm>

7 If you would like to know more about all the devious and harmful affects that both trusts and franchises have upon your  
 8 rights, see:

- 9 1. *Government Instituted Slavery Using Franchises*, Form #05.030  
 10 <http://sedm.org/Forms/FormIndex.htm>
- 11 2. *Trusts: Invisible Snares* (ASNM, Vol. 12, No. 1)  
 12 <http://famguardian.org/PublishedAuthors/Media/Antishyster/V12N1-Trusts.pdf>
- 13 3. *A Trustees Handbook, Third Edition*, August Peabody Loring, 1907, Little, Brown, and Company, pp. 19-22  
 14 <http://www.archive.org/details/trusteeshandbook00loriiala>
- 15 4. *The Truth About Trusts* (ASNM, Vol. 7, No. 1)  
 16 <http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N1-TheTruthAboutTrusts.pdf>
- 17 5. *Trust Fever* (ASNM, Vol. 7, No. 1)  
 18 <http://famguardian.org/Subjects/Taxes/Articles/trust%20fever.pdf>
- 19 6. *Trust Fever II: Divide and Conquer* (ASNM, Vol. 7, No. 4)  
 20 <http://famguardian.org/PublishedAuthors/Media/Antishyster/V07N4-DivideAndConquer.pdf>

21 **6 Proof of the existence of the straw man**

22 The following subsections will present proof of the existence of the straw man from all the sources we have been able to  
 23 find so far. Each section will contain a single example or instance from a specific context. Collectively, they form an  
 24 irrefutable body of evidence demonstrating far beyond a reasonable doubt that:

- 25 1. The "straw man" does exist.
- 26 2. The government invented the "straw man" through the mechanism of franchises that behave as trust indentures.
- 27 3. Franchises and the trusts they implement were the only method available to bypass the straight jacket chains of the
- 28 constitution, as Jefferson calls it.

29 **6.1 All Government enforcement authority almost exclusively over only the "straw man"**

30 *"Our records indicate that the Internal Revenue Service **has not** incorporated by reference [as required by*  
 31 *Implementing Regulation 26 CFR §601.702(a)(1)] a **requirement to make an income tax return.**" [Emphasis*  
 32 *added]*  
 33 *[SEDM Exhibit 0021;*  
 34 *SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm>]*

35 This section demonstrate that the only lawful target of nearly all government enforcement activity are its own officers,  
 36 agents, and employees in the context of their official duties.

37 The Federal Register Act, 44 U.S.C. §1505 et seq., and the Administrative Procedures Act, 5 U.S.C. §553 et seq, both  
 38 describe laws which may be enforced as "laws having general applicability and legal effect". Laws which have general  
 39 applicability and legal effect are laws that apply to persons OTHER than those in the government or to the public at large.  
 40 To wit, read the following, which is repeated in slightly altered form in 5 U.S.C. §553(a):

41 [TITLE 44 > CHAPTER 15 > § 1505](#)  
 42 [§ 1505. Documents to be published in Federal Register](#)

43 (a) Proclamations and Executive Orders; Documents Having General Applicability and Legal Effect;  
 44 Documents Required To Be Published by Congress. There shall be published in the Federal Register—

1 [ . . . ]

2 For the purposes of this chapter every document or order which prescribes a penalty has general applicability  
3 and legal effect.

4 The requirement for “reasonable notice” or “due notice” as part of Constitutional due process extends not only to statutes  
5 and regulations AFTER they are enacted into law, such as when they are enforced in a court of law, but *also* to the  
6 publication of *proposed* statutes and rules/regulations BEFORE they are enacted and subsequently enforced by agencies  
7 within the Executive Branch. The Federal Register is the *ONLY* approved method by which the public at large domiciled in  
8 “States of the Union” are provided with “reasonable notice” and an opportunity to comment publicly on new or proposed  
9 statutes OR rules/regulations which will directly affect them and which may be enforced directly against them.

10 [TITLE 44 > CHAPTER 15 > § 1508](#)  
11 [§ 1508. Publication in Federal Register as notice of hearing](#)

12 **A notice of hearing or of opportunity to be heard, required or authorized to be given by an Act of Congress,**  
13 **or which may otherwise properly be given, shall be deemed to have been given to all persons residing within**  
14 **the States of the Union and the District of Columbia, except in cases where notice by publication is insufficient**  
15 **in law, when the notice is published in the Federal Register at such a time that the period between the**  
16 **publication and the date fixed in the notice for the hearing or for the termination of the opportunity to be**  
17 **heard is—**

18 Neither statutes nor the rules/regulations which implement them may be *directly* enforced within states of the Union against  
19 the general public unless and until they have been so published in the Federal Register.

20 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552](#)  
21 [§ 552. Public information; agency rules, opinions, orders, records, and proceedings](#)  
22 [§ 1508. Publication in Federal Register as notice of hearing](#)

23 *Except to the extent that a person has actual and timely notice of the terms thereof, **a person may not in any***  
24 **manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal**  
25 **Register and not so published.** For the purpose of this paragraph, matter reasonably available to the class of  
26 persons affected thereby is deemed published in the Federal Register when incorporated by reference therein  
27 with the approval of the Director of the Federal Register.  
28

29 [26 CFR §601.702](#) Publication and public inspection

30 *(a)(2)(ii) Effect of failure to publish. Except to the extent that a person has actual and timely notice of the terms*  
31 *of any matter referred to in subparagraph (1) of this paragraph which is required to be published in the*  
32 *Federal Register, such person is not required in any manner to resort to, or be adversely affected by, such*  
33 *matter if it is not so published or is not incorporated by reference therein pursuant to subdivision (i) of this*  
34 *subparagraph. Thus, for example, any such matter which imposes an obligation and which is not so*  
35 **published or incorporated by reference will not adversely change or affect a person's rights.**

36 The only exceptions to the requirement for publication in the Federal Register of the statute and the implementing  
37 regulations are the groups specifically identified by Congress as expressly exempted from this requirement, as follows:

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

42 Based on the above, the burden of proof imposed upon the government at any due process meeting in which it is enforcing  
43 any provision is to produce at least ONE of the following TWO things:

- 44 1. Evidence signed under penalty of perjury by someone with personal, first-hand knowledge, proving that you are a  
45 member of one of the three groups specifically exempted from the requirement for implementing regulations, as  
46 identified above.  
47 2. Evidence of publication in the Federal Register of BOTH the statute AND the implementing regulation which they  
48 seek to enforce against you.

1 Without satisfying one of the above two requirements, the government is illegally enforcing federal law and becomes liable  
2 for a constitutional tort. For case number two above, the federal courts have said the following enlightening things:

3 "...for federal tax purposes, federal regulations [rather than the statutes ONLY] govern."  
4 [Dodd v. United States, 223 F Supp 785]  
5

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6 "When enacting §7206(1) Congress undoubtedly knew that the Secretary of the Treasury is empowered to  
7 prescribe all needful rules and regulations for the enforcement of the internal revenue laws, so long as they  
8 carry into effect the will of Congress as expressed by the statutes. Such regulations have the force of law. **The**  
9 **Secretary, however, does not have the power to make law.** Dixon v. United States, supra."  
10 [United States v. Levy, 533 F.2d 969 (1976)]  
11

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12 "An administrative regulation, of course, is not a "statute." While in practical effect regulations may be called  
13 "little laws," 7 they are at most but offspring of statutes. Congress alone may pass a statute, and the Criminal  
14 Appeals Act calls for direct appeals if the District Court's dismissal is based upon the invalidity or construction  
15 of a statute. See United States v. Jones, 345 U.S. 377 (1953). This Court has always construed the Criminal  
16 Appeals Act narrowly, limiting it strictly "to the instances specified." United States v. Borden Co., 308 U.S. 188,  
17 192 (1939). See also United States v. Swift & Co., 318 U.S. 442 (1943). Here the statute is not complete by  
18 itself, since it merely declares the range of its operation and leaves to its progeny the means to be utilized in the  
19 effectuation of its command. But it is the statute which creates the offense of the willful removal of the labels of  
20 origin and provides the punishment for violations. The regulations, on the other hand, prescribe the identifying  
21 language of the label itself, and assign the resulting tags to their respective geographical areas. Once  
22 promulgated, [361 U.S. 431, 438] these regulations, called for by the statute itself, have the force of law, and  
23 violations thereof incur criminal prosecutions, just as if all the details had been incorporated into the  
24 congressional language. **The result is that neither the statute nor the regulations are complete without the**  
25 **other, and only together do they have any force. In effect, therefore, the construction of one necessarily**  
26 **involves the construction of the other."**  
27 [U.S. v. Mersky, 361 U.S. 431 (1960)]  
28

---

29 "...the Act's **civil and criminal penalties attach only upon violation of the regulation** promulgated by the  
30 Secretary; **if the Secretary were to do nothing, the Act itself would impose no penalties on anyone.**..The  
31 Government urges that since only those who violate these regulations [not the Code] may incur civil or  
32 criminal penalties, it is the actual regulations issued by the Secretary of the Treasury, and not the broad  
33 authorizing language of the statute, which are to be tested against the standards of the Fourth Amendment; and  
34 that when so tested they are valid."  
35 [Calif. Bankers Assoc. v. Shultz, 416 U.S. 25, 44, 39 L.Ed. 2d 812, 94 S.Ct 1494]  
36

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37 "Although the relevant statute **authorized** the Secretary to impose such a duty, his implementing regulations did  
38 not do so. Therefore we held that **there was no duty** to disclose..."  
39 [United States v. Murphy, 809 F.2d 142, 1431]  
40

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41 "Failure to adhere to agency regulations [by the IRS or other agency] may amount to denial of due process if  
42 regulations are required by constitution or statute..."  
43 [Curley v. United States, 791 F.Supp. 52]

44 Another very interesting observation is that the federal courts have essentially ruled that I.R.C. Subtitle A pertains  
45 exclusively to government employees, agents, and officers, when they said:

46 "Federal income tax regulations governing filing of income tax returns do not require Office of Management  
47 and Budget control numbers because **requirement to file tax return is mandated by statute, not by regulation.**"  
48 [U.S. v. Bartrug, E.D.Va.1991, 777 F.Supp. 1290 , affirmed 976 F.2d 727, certiorari denied 113 S.Ct. 1659,  
49 507 U.S. 1010, 123 L.Ed.2d 278]

50 Since there are no implementing regulations for most federal tax enforcement, the statutes which establish the requirement  
51 are only directly enforceable against those who are members of the groups specifically exempted from the requirement for  
52 implementing regulations published in the Federal Register as described above. This is also consistent with the statutes  
53 authorizing enforcement within the I.R.C. itself found in 26 U.S.C. §6331, which say on the subject the following:

54 26 U.S.C., Subchapter D - Seizure of Property for Collection of Taxes  
55 Sec. 6331. Levy and distraint

1 (a) Authority of Secretary

2 If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand,  
3 it shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the  
4 expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under  
5 section 6334) belonging to such person or on which there is a lien provided in this chapter for the payment of  
6 such tax. Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of  
7 the United States, the District of Columbia, or any agency or instrumentality of the United States or the  
8 District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such  
9 officer, employee, or elected official. If the Secretary makes a finding that the collection of such tax is in  
10 jeopardy, notice and demand for immediate payment of such tax may be made by the Secretary and, upon  
11 failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period  
12 provided in this section.

13 If you would like to know more about why the only lawful target of most IRS and government enforcement actions are  
14 government employees, agents, and officers acting in their official capacity, see:

Federal Enforcement Authority Within States of the Union, Form #05.032  
<http://sedm.org/Forms/FormIndex.htm>

## 15 **6.2 Internal Revenue Code, Subtitle A is an Excise Tax Upon the “Straw Man”**

16 The Internal Revenue Code, Subtitle A is a franchise or excise tax upon “public offices” within the U.S. Government. In  
17 the I.R.C., these “public offices” are described using a “word of art” called a “trade or business”, whose definition is found  
18 at 26 U.S.C. §7701(a)(26). Those persons and property not connected to this public office are referred to as a “foreign  
19 estate” that is not subject to the Internal Revenue Code:

20 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701  
21 [§ 7701. Definitions](#)

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

24 (31) Foreign estate or trust

25 (A) Foreign estate

26 The term “foreign estate” means an estate the income of which, from sources without the United States  
27 which is not effectively connected with the conduct of a trade or business [“public office”, per 26 U.S.C.  
28 §7701(a)(26)] within the United States, is not includible in gross income under subtitle A.

29 (B) Foreign trust

30 The term “foreign trust” means any trust other than a trust described in subparagraph (E) of paragraph (30).

31 The term “taxpayer” within the Internal Revenue Code is really just a code word for “public officer” and the “straw man”.  
32 Below is some proof:

- 33 1. The tax is upon a “trade or business”, which is defined as “the functions of a public office”.  
34 2. The IRS Internal Revenue Manual admits that “private employers” have no obligation to deduct or withhold. This is  
35 another way of saying that only “public employers” within the government have such an obligation.

36 [IRM 5.14.10.2 \(09-30-2004\)](#)  
37 [Payroll Deduction Agreements](#)

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

- 1 3. 4 U.S.C. §72 says all public offices must be exercised only in the District of Columbia and not elsewhere except as  
2 expressly provided by law. There is no law expressly authorizing any public office within the exclusive jurisdiction of  
3 any state of the Union.  
4 4. 26 U.S.C. §7701(a)(31) defines the term “foreign estate” as any estate that is not connected with the “trade or  
5 business” franchise.  
6 5. The regulations state that there is no such thing as “employment” outside the District of Columbia, which is what the  
7 “United States” is defined as in 26 U.S.C. §7701(a)(9) and (a)(10):

8 *Title 26: Internal Revenue*

9 [PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE](#)

10 [Subpart B—Federal Insurance Contributions Act \(Chapter 21, Internal Revenue Code of 1954\)](#)

11 [General Provisions](#)

12 [§ 31.3121\(b\)-3 Employment; services performed after 1954.](#)

13 (a) *In general. Whether services performed after 1954 constitute employment is determined in accordance with*  
14 *the provisions of section 3121(b).*

15 (b) *Services performed within the United States [District of Columbia]. Services performed after 1954 within*  
16 *the United States (see §31.3121(e)-1) by an employee for his employer, unless specifically excepted by section*  
17 *3121(b), constitute employment. With respect to services performed within the United States, the place where*  
18 *the contract of service is entered into is immaterial. The citizenship or residence of the employee or of the*  
19 *employer also is immaterial except to the extent provided in any specific exception from employment. Thus, the*  
20 *employee and the employer may be citizens and residents of a foreign country and the contract of service may*  
21 *be entered into in a foreign country, and yet, if the employee under such contract performs services within the*  
22 *United States, there may be to that extent employment.*

23 (c) *Services performed outside the United States—(1) In general. Except as provided in paragraphs (c)(2) and*  
24 *(3) of this section, services performed outside the United States (see §31.3121(e)-1) do not constitute*  
25 *employment.*

26 The tax can only apply to those domiciled within the District of Columbia, wherever they are physically located to include  
27 states of the Union, but only if they are serving under oath in their official capacity as “public officers”.

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

35 [Miller Brothers Co. v. Maryland, 347 U.S. 340 (1954)]

36 Another important point needs to be emphasized, which is that those working for the federal government, while on official  
37 duty, are representing a federal corporation called the “United States”, which is domiciled in the District of Columbia.

38 [TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.](#)

39 [TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE](#)

40 [PART VI - PARTICULAR PROCEEDINGS](#)

41 [CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE](#)

42 [SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS](#)

43 [Sec. 3002. Definitions](#)

44 (15) [“United States” means -](#)

45 (A) [a Federal corporation;](#)

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

47 (C) [an instrumentality of the United States.](#)

48  
49 That corporation is a “U.S. citizen” that is the REAL “person” who has a liability to file a tax return identified in 26 CFR  
50 §1.6012. That liability transfers to you while you are representing said corporation as a “public officer”:

51 *“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*  
52 *created, and of that state or country only.”*

53 [19 Corpus Juris Secundum, Corporations, §886]

54 *“The United States government is a foreign corporation with respect to a state.”*

1 [19 Corpus Juris Secundum, Corporations, §883]

2 "Generally, the states of the Union sustain toward each other the relationship of independent sovereigns or  
3 independent foreign states, except in so far as the United States is paramount as the dominating government,  
4 and in so far as the states are bound to recognize the fraternity among sovereignties established by the federal  
5 Constitution, as by the provision requiring each state to give full faith and credit to the public acts, records, and  
6 judicial proceedings of the other states..."  
7 [81A Corpus Juris Secundum (C.J.S.), United States, §29]

8 Federal Rule of Civil Procedure 17(b) says that the capacity to sue and be sued civilly is based on one's domicile:

9 [IV. PARTIES](#) > Rule 17.  
10 [Rule 17. Parties Plaintiff and Defendant; Capacity](#)

11 (b) Capacity to Sue or be Sued.

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

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

23 Government employees, including "public officers", while on official duty representing the federal corporation called the  
24 "United States", maintain the character of the entity they represent and therefore have a legal domicile of the District of  
25 Columbia within the context of their official duties. The Internal Revenue Code also reflects this fact in 26 U.S.C.  
26 §7701(a)(39) and 26 U.S.C. §7408(d):

27 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701  
28 [§ 7701. Definitions](#)

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

31 (39) Persons residing outside United States

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

35 (A) jurisdiction of courts, or

36 (B) enforcement of summons  
37

38 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 76](#) > [Subchapter A](#) > § 7408  
39 [§ 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions](#)

40 (d) Citizens and residents outside the United States

41 If any citizen or resident of the United States does not reside in, and does not have his principal place of  
42 business in, any United States judicial district, such citizen or resident **shall be treated for purposes of this**  
43 **section as residing in the District of Columbia.**

44 Kidnapping and transporting the legal identity of a person domiciled outside the District of Columbia in a foreign state,  
45 which includes states of the Union, is illegal pursuant to [18 U.S.C. §1201](#). Therefore, the only people who can be legally  
46 and involuntarily "kidnapped" by the courts based on the above two provisions of statutory law are those who individually  
47 consent through private contract to act as "public officials" in the execution of their official duties. The fiduciary duty of

1 these “public officials” is further defined in the I.R.C. as follows, and it is only by an oath of “public office” that this  
2 fiduciary duty can lawfully be created:

3 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
4 [§ 6671. Rules for application of assessable penalties](#)

5 (b) Person defined

6 *The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member*  
7 *or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in*  
8 *respect of which the violation occurs.*  
9

10 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
11 [§ 7343. Definition of term “person”](#)

12 *The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or*  
13 *employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in*  
14 *respect of which the violation occurs.*

15 We remind our readers that there is no liability statute within Subtitle A of the I.R.C. that would create the duty documented  
16 above, and therefore the ONLY way it can be created is by the oath of office of the “public officers” who are the subject of  
17 the tax in question. This was thoroughly described in the following article:

There's No Statute Making Anyone Liable to Pay IRC Subtitle A Income Taxes  
<http://famguardian.org/Subjects/Taxes/Articles/NoStatuteLiable.htm>

18 The existence of fiduciary duty of “public officers” is therefore the ONLY lawful method by which anyone can be  
19 prosecuted for an “omission”, which is a thing they didn’t do that the law required them to do. It is otherwise illegal and  
20 unlawful to prosecute anyone under either common law or statutory law for a FAILURE to do something, such as a  
21 FAILURE TO FILE a tax return pursuant to [26 U.S.C. §7203](#). Below is an example of where the government gets its  
22 authority to prosecute "taxpayers" for failure to file a tax return, in fact:

23 *“I: DUTY TO ACCOUNT FOR PUBLIC FUNDS*

24 *§ 909. In general. It is the duty of the public officer, like any other agent or trustee, although not declared by*  
25 *express statute, to faithfully account for and pay over to the proper authorities all moneys which may come*  
26 *into his hands upon the public account, and the performance of this duty may be enforced by proper actions*  
27 *against the officer himself, or against those who have become sureties for the faithful discharge of his*  
28 *duties.”*

29 *[A Treatise on the Law of Public Offices and Officers, p. 609, §909; Floyd Mechem, 1890;*  
30 *SOURCE: <http://books.google.com/books?id=g-I9AAAIAAJ&printsec=titlepage>]*

31 In addition to the above, every attorney admitted to practice law in any state or federal court is described as an “officer of  
32 the court”, and therefore ALSO is a “public officer”:

33 ***Attorney at law.** An advocate, counsel, or official agent employed in preparing, managing, and trying cases in*  
34 *the courts. An officer in a court of justice, who is employed by a party in a cause to manage it for him. In re*  
35 *Bergeron, 220 Mass. 472, 107 N.E. 1007, 1008, Ann.Cas.1917A, 549.*

36 *In English law. A **public officer belonging to the superior courts of common law at Westminster.** who*  
37 *conducted legal proceedings on behalf of others. called his clients, by whom he was retained; he answered to*  
38 *the solicitor in the courts of chancery, and the proctor of the admiralty, ecclesiastical, probate, and divorce*  
39 *courts. An attorney was almost invariably also a solicitor. It is now provided by the judicature act. 1873, 8 87.*  
40 *that solicitors. Attorneys, or proctors of, or by law empowered to practice in, any court the jurisdiction of which*  
41 *is by that act transferred to the high court of justice or the court of appeal, shall be called "solicitors of the*  
42 *supreme court." Wharton.*  
43 *[Black’s Law Dictionary, Fourth Edition, p. 164]*

44 *ATTORNEY AND CLIENT, Corpus Juris Secundum Legal Encyclopedia Volume 7, Section 4*

45 *His [the attorney’s] first duty is to the courts and the public, not to the client, and wherever the duties to his*  
46 *client conflict with those he owes as an officer of the court in the administration of justice, the former must yield*  
47 *to the latter.*  
48  
49

2 Executive Order 12731 and 5 CFR §2635.101(a) furthermore both indicate that “public service is a public trust”:

3 Executive Order 12731  
4 "Part 1 -- PRINCIPLES OF ETHICAL CONDUCT

5 "Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the  
6 integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental  
7 principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this  
8 order:

9 **"(a) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and  
10 ethical principles above private gain.**

11  
12 **TITLE 5--ADMINISTRATIVE PERSONNEL**  
13 **CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS**  
14 **PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE**  
15 **BRANCH--Table of Contents**  
16 **Subpart A--General Provisions**  
17 **Sec. 2635.101 Basic obligation of public service.**

18 (a) Public service is a public trust. Each employee has a responsibility to the United States Government and  
19 its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that  
20 every citizen can have complete confidence in the integrity of the Federal Government, each employee shall  
21 respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing  
22 standards contained in this part and in supplemental agency regulations.

23 The above provisions of law imply that everyone who works for the government is a “trustee” of “We the People”, who are  
24 the sovereigns they serve in the public. In law, EVERY “trustee” is a “fiduciary” of the Beneficiary of the trust within  
25 which he serves:

26 **“TRUSTEE.** *The person appointed, or required by law, to execute a trust; one in whom an estate, interest, or*  
27 *power is vested, under an express or implied agreement [e.g. PRIVATE LAW or CONTRACT] to administer*  
28 *or exercise it for the benefit or to the use of another called the cestui que trust. Pioneer Mining Co. v. Ty berg,*  
29 *C.C.A.Alaska, 215 F. 501, 506, L.R.A.1915B, 442; Kaehn v. St. Paul Co-op. Ass'n, 156 Minn. 113, 194 N.W.*  
30 *112; Catlett v. Hawthorne, 157 Va. 372, 161 S.E. 47, 48. Person who holds title to res and administers it for*  
31 *others' benefit. Reinecke v. Smith, Ill., 53 S.Ct. 570, 289 US. 172, 77 L.Ed. 1109. In a strict sense, a "trustee"*  
32 *is one who holds the legal title to property for the benefit of another, while, in a broad sense, the term is*  
33 *sometimes applied to anyone standing in a fiduciary or confidential relation to another, such as agent,*  
34 *attorney, bailee, etc. State ex rel. Lee v. Sartorius, 344 Mo. 912, 130 S.W.2d 547, 549, 550. "Trustee" is also*  
35 *used In a wide and perhaps inaccurate sense, to denote that a person has the duty of carrying out a transaction,*  
36 *in which he and another person are interested, in such manner as will be most for the benefit of the latter, and*  
37 *not in such a way that he himself might be tempted, for the sake of his personal advantage, to neglect the*  
38 *interests of the other. In this sense, directors of companies are said to be "trustees for the shareholders." Sweet.*  
39 *[Black's Law Dictionary, Fourth Edition, p. 1684]*

40 The fact that public service is a “public trust” was also confirmed by the U.S. Supreme Court, when it said:

41 **"... The governments are but trustees acting under derived authority and have no power to delegate what is**  
42 **not delegated to them.** *But the people, as the original fountain might take away what they have delegated and*  
43 *intrust to whom they please. ...The sovereignty in every state resides in the people of the state and they may*  
44 *alter and change their form of government at their own pleasure."*  
45 *[Luther v. Borden, 48 U.S. 1, 12 LEd 581 (1849)]*

46 An example of someone who is NOT a “public officer” is a federal common law employee on duty and who is not required  
47 to take an oath. Almost invariably, such employees have some kind of immediate supervisor who manages and oversees  
48 and evaluates his activities pursuant to the position description drafted for the position he fills. He may be a “trustee” and  
49 he may have a “fiduciary duty” to the public as a “public servant”, but he isn’t an “officer” or “public officer” unless and  
50 until he takes an oath of office prescribed by law. A federal “employee”, however, can become a “public office” by virtue  
51 of any one or more of the following purposes that we are aware of so far:

- 52 1. Be elected to political office.
- 53 2. Being appointed to political office by the President or the governor of a state of the Union.

- 1 3. Voluntarily engaging in a privileged, excise taxable activity called a “trade or business”, which effectively is an  
2 extension of the federal government and is defined as a “public office” in [26 U.S.C. §7701\(a\)\(26\)](#). A “trade or  
3 business” is a federal business franchise and partnership, in which you become a trustee and public official of the  
4 United States who has donated his private property temporarily to a “public use” for the purpose of procuring  
5 “privileged compensation” of a public office in the form of tax deductions under [26 U.S.C. §162](#), Earning income  
6 credits under [26 U.S.C. §32](#), and a graduated REDUCED rate of tax under [26 U.S.C. §1](#). Only those engaged in a  
7 “public office”/“trade or business” can avail themselves of any of these pecuniary government financial incentives.
- 8 4. Engaging in a privileged activity regulated by the federal government, such as:
- 9 4.1. Pursuing a license to practice law. All attorneys are officers of the court, and all courts are part of the  
10 government and therefore “public” entities.
- 11 4.2. Applying for and accepting FDIC insurance as an officer of a bank. See 31 CFR §202.2, which makes those  
12 accepting FDIC federal insurance into agents of the federal government.
- 13 4.3. Becoming an officer of a corporation, and only within the context of the jurisdiction the corporation is registered  
14 in. The officers of a state-only registered corporation would be “public officers” only within the context of the  
15 specific state they registered in. They would have to make application for recognition as a federal corporation to  
16 also be “public officers” in the context of federal law.

17 A “public office” is not limited to a natural person. It can also extend to an entire entity such as a corporation. An example  
18 of an entity that is a “public office” in its entirety is a federally chartered bank, such as the original Bank of the United  
19 States described in *Osborn v. United States*, in which the U.S. Supreme Court identified the original and first Bank of the  
20 United States, a federally chartered bank corporation created by Congress, as a “public office”:

21 **All the powers of the government must be carried into operation by individual agency, either through the**  
22 **medium of public officers, or contracts made with individuals.** *Can any public office be created, or does one*  
23 *exist, the performance of which may, with propriety, be assigned to this association [or trust], when*  
24 *incorporated? If such office exist, or can be created, then the company may be incorporated, that they may*  
25 *be appointed to execute such office. Is there any portion of the public business performed by individuals*  
26 *upon contracts, that this association could be employed to perform, with greater advantage and more safety*  
27 *to the public, than an individual contractor? If there be an employment of this nature, then may this*  
28 *company be incorporated to undertake it.*

29 **There is an employment of this nature.** *Nothing can be more essential to the fiscal concerns of the nation, than*  
30 *an agent of undoubted integrity and established credit, with whom the public moneys can, at all times, be safely*  
31 *deposited. Nothing can be of more importance to a government, than that there should be some capitalist in the*  
32 *country, who possesses the means of making advances of money to the government upon any exigency, and who*  
33 *is under a legal obligation to make such advances. For these purposes the association would be an agent*  
34 *peculiarly suitable and appropriate. [ . . . ]*

35 *The mere creation of a corporation, does not confer political power or political character. So this Court*  
36 *decided in Dartmouth College v. Woodward, already referred to. If I may be allowed to paraphrase the*  
37 *language of the Chief Justice, I would say, a bank incorporated, is no more a State instrument, than a natural*  
38 *person performing the same business would be. If, then, a natural person, engaged in the trade of banking,*  
39 *should contract with the government to receive the public money upon deposit, to transmit it from place to*  
40 *place, without charging for commission or difference of exchange, and to perform, when called upon, the duties*  
41 *of commissioner of loans, would not thereby become a public officer, how is it that this artificial being, created*  
42 *by law for the purpose of being employed by the government for the same purposes, should become a part of the*  
43 *civil government of the country? Is it because its existence, its capacities, its powers, are given by law? because*  
44 *the government has given it power to take and hold property in a particular form, and to employ that property*  
45 *for particular purposes, and in the disposition of it to use a particular name? because the government has sold*  
46 *it a privilege [22 U.S. 738, 774] for a large sum of money, and has bargained with it to do certain things; is it,*  
47 *therefore, a part of the very government with which the contract is made?*

48 **If the Bank be constituted a public office, by the connexion between it and the government, it cannot be the**  
49 **mere legal franchise in which the office is vested; the individual stockholders must be the officers.** *Their*  
50 *character is not merged in the charter. This is the strong point of the Mayor and Commonalty v. Wood, upon*  
51 *which this Court ground their decision in the Bank v. Deveaux, and from which they say, that cause could not*  
52 *be distinguished. Thus, aliens may become public officers, and public duties are confided to those who owe no*  
53 *allegiance to the government, and who are even beyond its territorial limits.*

54 **With the privileges and perquisites of office, all individuals holding offices, ought to be subject to the**  
55 **disabilities of office. But if the Bank be a public office, and the individual stockholders public officers, this**  
56 **principle does not have a fair and just operation.** *The disabilities of office do not attach to the stockholders; for*  
57 *we find them every where holding public offices, even in the national Legislature, from which, if they be public*  
58 *officers, they are excluded by the constitution in express terms.*

1 *If the Bank be a public institution of such character as to be justly assimilated to the mint and the post office,*  
2 *then its charter may be amended, altered, or even abolished, at the discretion of the National Legislature. All*  
3 *public offices are created [22 U.S. 738, 775] purely for public purposes, and may, at any time, be modified*  
4 *in such manner as the public interest may require. Public corporations partake of the same character. So it*  
5 *is distinctly adjudged in Dartmouth College v. Woodward. In this point, each Judge who delivered an opinion*  
6 *concurring. By one of the Judges it is said, that 'public corporations are generally esteemed such as exist for*  
7 *public political purposes only, such as towns, cities, parishes and counties; and in many respects they are so,*  
8 *although they involve some private interests; but, strictly speaking, public corporations are such only as are*  
9 *founded by the government for public purposes, where the whole interest belongs also to the government. If,*  
10 *therefore, the foundation be private, though under the charter of the government, the corporation is private,*  
11 *however extensive the uses may be to which it is devoted, either by the bounty of the founder, or the nature*  
12 *and objects of the institution. For instance, a bank, created by the government for its own uses, whose stock*  
13 *is exclusively owned by the government, is, in the strictest sense, a public corporation. So, a hospital created*  
14 *and endowed by the government for general charity. But a bank, whose stock is owned by private persons, is*  
15 *a private corporation, although it is erected by the government, and its objects and operations partake of a*  
16 *public nature. The same doctrine may be affirmed of insurance, canal, bridge, and turnpike companies. In*  
17 *all these cases, the uses may, in a certain sense, be called public, but the corporations are private; as much*  
18 *[22 U.S. 738, 776] so, indeed, as if the franchises were vested in a single person.[. . .]*

19 *In what sense is it an instrument of the government? and in what character is it employed as such? Do the*  
20 *government employ the faculty, the legal franchise, or do they employ the individuals upon whom it is*  
21 *conferred? and what is the nature of that employment? does it resemble the post office, or the mint, or the*  
22 *custom house, or the process of the federal Courts?*

23 *The post office is established by the general government. It is a public institution. The persons who perform its*  
24 *duties are public officers. No individual has, or can acquire, any property in it. For all the services performed,*  
25 *a compensation is paid out of the national treasury; and all the money received upon account of its operations,*  
26 *is public property. Surely there is no similitude between this institution, and an association who trade upon*  
27 *their own capital, for their own profit, and who have paid the government a million and a half of dollars for a*  
28 *legal character and name, in which to conduct their trade.*

29 *Again: the business conducted through the agency of the post office, is not in its nature a private business. It is*  
30 *of a public character, and the [22 U.S. 738, 786] charge of it is expressly conferred upon Congress by the*  
31 *constitution. The business is created by law, and is annihilated when the law is repealed. But the trade of*  
32 *banking is strictly a private concern. It exists and can be carried on without the aid of the national Legislature.*  
33 *Nay, it is only under very special circumstances, that the national Legislature can so far interfere with it, as to*  
34 *facilitate its operations.*

35 *The post office executes the various duties assigned to it, by means of subordinate agents. The mails are opened*  
36 *and closed by persons invested with the character of public officers. But they are transported by individuals*  
37 *employed for that purpose, in their individual character, which employment is created by and founded in*  
38 *contract. To such contractors no official character is attached. These contractors supply horses, carriages, and*  
39 *whatever else is necessary for the transportation of the mails, upon their own account. The whole is engaged in*  
40 *the public service. The contractor, his horses, his carriage, his driver, are all in public employ. But this does*  
41 *not change their character. All that was private property before the contract was made, and before they were*  
42 *engaged in public employ, remain private property still. The horses and the carriages are liable to be taxed as*  
43 *other property, for every purpose for which property of the same character is taxed in the place where they are*  
44 *employed. The reason is plain: the contractor is employing his own means to promote his own private profit,*  
45 *and the tax collected is from the individual, though assessed upon the [22 U.S. 738, 787] means he uses to*  
46 *perform the public service. To tax the transportation of the mails, as such, would be taxing the operations of the*  
47 *government, which could not be allowed. But to tax the means by which this transportation is effected, so far as*  
48 *those means are private property, is allowable; because it abstracts nothing from the government; and because,*  
49 *the fact that an individual employs his private means in the service of the government, attaches to them no*  
50 *immunity whatever."*  
51 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

52 The record of the House of Representatives after the enactment of the first income tax during the Civil War in 1862,  
53 confirmed that the income tax was upon a "public office" and that even IRS agents, who are not "public officers" and who  
54 are not required to take an oath, are therefore exempt from the requirements of the revenue acts in place at the time. Read  
55 the amazing truth for yourself:

House of Representatives, Ex. Doc. 99, 1867  
<http://famguardian.org/Subjects/Taxes/Evidence/PublicOrPrivate-Tax-Return.pdf>

56 Below is an excerpt from that report proving our point. The Secretary of the Treasury at the time is comparing the federal  
57 tax liabilities of postal clerks to those of internal revenue clerks. At that time, the IRS was called the Bureau of Internal  
58 Revenue. The office of Commissioner of Internal Revenue was established in 1862 as an emergency measure to fund the

***Proof that There Is a "Straw man"***

1 Civil War, which ended shortly thereafter, but the illegal enforcement of the revenue laws continued and expanded into the  
2 states over succeeding years:

3 House of Representatives, Ex. Doc. 99, 1867, pp. 1-2  
4 39<sup>th</sup> Congress, 2d Session

5 Salary Tax Upon Clerks to Postmasters

6 Letter form the Secretary of the Treasury in answer to A resolution of the House of the 12<sup>th</sup> of February,  
7 relative to salary tax upon clerks to postmasters, with the regulations of the department

8 Postmasters' clerks are appointed by postmasters, and take the oaths of office prescribed in the 2d section of  
9 the act of July 2, 1862, and in the 2d section of the act of March 3, 1863.

10 *Their salaries are not fixed in amount bylaw, but from time to time the Post master General fixes the amount',*  
11 *allotted to each postmaster for clerk hire, under the authority conferred upon him by tile ninth section of the act*  
12 *of June 5, 1836, and then the postmaster, as an agent for and in behalf of the United States, determines the*  
13 *salary to be paid to each of his clerks. These salaries are paid by the postmasters, acting as disbursing agents,*  
14 *from United States moneys advanced to them for this purpose, either directly from the Post Office Department*  
15 *in pursuance of appropriations made by law, or from the accruing revenues of their offices, under the*  
16 *instructions of the Postmaster General. The receipt of such clerks constitute vouchers in the accounts of the*  
17 *postmasters acting as disbursing agents in the settlements made with them by the Sixth Auditor. In the*  
18 *foregoing transactions the postmaster acts not as a principal, but as an agent of the United States, and the*  
19 *clerks are not in his private employment, but in the public employment of the United States. Such being the*  
20 *facts, **these clerks are subjected to and required to account for and pay the salary tax,** imposed by the one*  
21 *hundred and twenty-third section of the internal revenue act of June 30, 1864, as amended by the ninth section*  
22 *of the internal revenue act of July 13, 1866, upon payments for services to persons in the civil employment or*  
23 *service of the United States.*

24 *Copies of the regulations under which such salary taxes are withheld and paid into the treasury to the credit of*  
25 *internal revenue collection account are herewith transmitted, marked A, b, and C. **Clerks to assessors of***  
26 *internal revenue [IRS agents] are appointed by the assessors. **Neither law nor regulations require them to***  
27 *take an oath of office, because, as the law at present stands, they are not in the public service of the United*  
28 *States, through the agency of the assessor, but are in the private service of the assessor, as a principal, who*  
29 *employs them.*

30 *The salaries of such clerks are neither fixed in amount by law, nor are they regulated by any officer of the*  
31 *Treasury Department over the clerk hire of assessors is to prescribe a necessary and reasonable amount which*  
32 *shall not be exceeded in reimbursing the assessors for this item of their expenses.*

33 *No money is advanced by the United States for the payment of such salaries, nor do the assessors perform the*  
34 *duties of disbursing agents of the United States in paying their clerks. The entire amount allowed is paid*  
35 *directly to the assessor, and he is not accountable to the United States for its payment to his clerks, for the*  
36 *reason that he has paid them in advance, out of his own funds, and this is a reimbursement to him of such*  
37 *amount as the department decides to be reasonable. **No salary tax is therefore collected, or required by the***  
38 *Treasury Department to be accounted for, or paid, on account of payments to the assessors' clerks, as the*  
39 *United States pays no such clerks nor has them in its employ or service, and they do not come within the*  
40 *provisions of existing laws imposing such a tax.*

41 *Perhaps no better illustration of the difference between the status of postmasters' clerks and that of assessors'*  
42 *clerks can be given than the following: A postmaster became a defaulter, without paying his clerks,; his*  
43 *successor received from the Postmaster General a new remittance for paying them; and if at any time, the*  
44 *clerks in a post office do not receive their salaries, by reason of the death, resignation or removal of a*  
45 *postmaster, the new appointee is authorized by the regulations of the Post Office Department to pay them out of*  
46 *the proceeds of the office; and should there be no funds in his hands belonging to the department, a draft is*  
47 *issued to place money in his hands for that purpose.*

48 *If an assessor had not paid his clerks, they would have no legal claim upon the treasury for their salaries. A*  
49 *discrimination is made between postmasters' clerks and assessor's clerks to the extent and for the reasons*  
50 *hereinbefore set forth.*

51 *I have the honor to be, very respectfully, your obedient servant.*

52 *H. McCulloch, Secretary of the Treasury*  
53 *[House of Representatives, Ex. Doc. 99, 1867, pp. 1-2]*

1 Notice based on the above that revenue officers don't take an oath, so they don't have to pay the tax, while postal clerks  
2 take an oath, so they do. Therefore, the oath that creates the "public office" is the method by which the government  
3 manufactures "public officers", "taxpayers", and "sponsors" for its wasteful use or abuse of public monies. If you would  
4 like a whole BOOK full of reasons why the only "taxpayers" under the I.R.C. Subtitle A are "public officials", please see  
5 the following exhaustive analysis:

*Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008  
<http://sedm.org/Forms/FormIndex.htm>

### 6 **6.3 Definition of "income" means earnings of a trust or estate**

7 The term "income" is defined as in the Internal Revenue Code as follows:

8 [TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter J > PART 1 > Subpart A > § 643](#)  
9 [§ 643. Definitions applicable to subparts A, B, C, and D](#)

10 (b) **Income**

11 *For purposes of this subpart and subparts B, C, and D, **the term "income", when not preceded by the words***  
12 ***"taxable", "distributable net", "undistributed net", or "gross", means the amount of income of the estate or***  
13 ***trust for the taxable year determined under the terms of the governing instrument and applicable local law.***  
14 *Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary,*  
15 *acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and*  
16 *applicable local law shall not be considered income.*

17 Do you see a natural being mentioned above? Only trusts and executors for dead people, both of whom are transferees or  
18 fiduciaries for "taxpayers", meaning the government, pursuant to 26 U.S.C. §6901 and 26 U.S.C. §6903 respectively.  
19 These transferees and fiduciaries are all "public officers" of the government. The office is the "straw man" and you are  
20 surety for the office if you fill out tax forms connecting your name to the office or allow others to do so and don't rebut  
21 them.

22 Which "trust" are they talking about here? How about the "public trust", which means the government. The ability to  
23 regulate private conduct is "repugnant to the constitution", and therefore the trust they are referring to can only mean a trust  
24 that is wholly owned and created by the government.

25 *Executive Order 12731*  
26 *"Part 1 -- PRINCIPLES OF ETHICAL CONDUCT*

27 *"Section 101. Principles of Ethical Conduct. To ensure that every citizen can have complete confidence in the*  
28 *integrity of the Federal Government, each Federal employee shall respect and adhere to the fundamental*  
29 *principles of ethical service as implemented in regulations promulgated under sections 201 and 301 of this*  
30 *order:*

31 *"(a) **Public service is a public trust**, requiring employees to place loyalty to the Constitution, the laws, and*  
32 *ethical principles above private gain.*

33  
34 **TITLE 5--ADMINISTRATIVE PERSONNEL**  
35 **CHAPTER XVI--OFFICE OF GOVERNMENT ETHICS**  
36 **PART 2635--STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE**  
37 **BRANCH--Table of Contents**  
38 **Subpart A--General Provisions**  
39 **Sec. 2635.101 Basic obligation of public service.**

40 *(a) **Public service is a public trust**. Each employee has a responsibility to the United States Government and*  
41 *its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that*  
42 *every citizen can have complete confidence in the integrity of the Federal Government, each employee shall*  
43 *respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing*  
44 *standards contained in this part and in supplemental agency regulations.*

## 6.4 IRS Form 1040

The IRS Form 1040 is a profit and loss statement for a federal business trust that is a wholly owned subsidiary of the “United States” federal corporation.

1. The earnings on the form are NOT your earnings, but all the earnings of the trust, for which you are acting as the trustee. That trust is the Social Security Trust created when you signed up for Social Security. This is also the ONLY entity that can earn “income” as legally defined in 26 U.S.C. §643(b), which says that “income” as legally defined can only be earned by an estate or a trust, and NOT a natural being.
2. The “deductions” authorized on the IRS Form 1040 derive from 26 U.S.C. §162 are the method of computing compensation of the trustees. These deductions, pursuant to that section, may only be taken for those engaged in the “trade or business” franchise.
3. The reason you can’t deduct the cost of producing your labor on the form is that it isn’t YOU who performed the labor, but rather you while you were voluntarily acting as a “public officer” in expectation of the commercial benefits associated with the “public office”. See:

*How the Government Defrauds You Out of Legitimate Deductions for the Market Value of Your Labor*, Form #05.026  
<http://sedm.org/Forms/FormIndex.htm>

4. All of the earnings that go on the IRS Form 1040 MUST be connected with a “trade or business” because:
  - 4.1. 26 U.S.C. §162 says that only those engaged in the “trade or business” franchise can take deductions, and everything on the 1040 form is subject to such deductions and therefore connected to the franchise.
  - 4.2. 26 U.S.C. §871(b)(1) admits that everything in 26 U.S.C. §1 and therefore appearing on IRS Form 1040 is “trade or business” income.
5. The government can lawfully define the meaning of “profit” on the IRS Form 1040 because:
  - 5.1. It is not legislating for private entities, but rather “public offices” and federal business trusts.
  - 5.2. It is supervising its own instrumentalities and therefore is not restrained by the common law. This profit is called “taxable income”.
6. The IRS carefully conceals the nature of the IRS Form 1040 as a form ONLY for “public offices” in the government by:
  - 6.1. Hiding the phrase “public office” within the definition of “trade or business” at 26 U.S.C. §7701(a)(26) at the end of the code in a place that few would ever notice.
  - 6.2. Using the phrase “trade or business” instead of “public office” so as not to draw attention to the nature of the activity being exercised.
  - 6.3. Conveniently omitting mention on the IRS Form 1040 itself that everything on the form is “trade or business”/ “public office” earnings.
  - 6.4. Conveniently omitting to mention in the IRS Form 1040 Instruction Booklet that everything on the form is “trade or business”/ “public office” earnings.
  - 6.5. Conveniently omitting to mention in 26 U.S.C. §1 that everything that subject refers to is connected with the “trade or business” franchise.
7. The reason the IRS and the government carefully conceal the nature of the IRS Form 1040 as a form for “public offices” and therefore federal business trusts within the government is that they want to avoid all the following:
  - 7.1. Having to answer inevitable questions from millions of people about what a “trade or business” is or whether they are involved in it.
  - 7.2. Having to admit that most people are not lawfully engaged in a public office in the U.S. government.
  - 7.3. Having to admit that they can’t lawfully regulate or especially tax private conduct.
  - 7.4. Becoming an accessory after the fact to the crime of “impersonating an employee or officer of the government” pursuant to 18 U.S.C. §912.

## 6.5 Social Security

Whenever you sign the SSA Form SS-5 Application for Social Security, you are in fact:

1. Adopting the Social Security Act as a trust indenture.
2. Creating a trust that is a wholly owned subsidiary of the United States federal corporation described in 28 U.S.C. §3002(15)(A) .
3. Accepting the “consideration” involved in the possibility but not absolute right to receive “benefits” of participation. See:

- 1 4. Agreeing to act as the "trustee" over the trust so created.  
2 5. Agreeing to act as a "resident agent" for a "public office" that actually exists in the District of Columbia as required by  
3 4 U.S.C. §72:

4 [TITLE 4 > CHAPTER 3 > § 72](#)  
5 [§ 72. Public offices; at seat of Government](#)

6 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
7 *except as otherwise expressly provided by law.*  
8 [SOURCE: [http://www4.law.cornell.edu/uscode/html/uscode04/uscode04\\_sec\\_04\\_0000072----000-.html](http://www4.law.cornell.edu/uscode/html/uscode04/uscode04_sec_04_0000072----000-.html)]

- 9 6. Agreeing to receive "deferred retirement benefits" as Trustee that are commensurate with the amount of private  
10 property you donate to a public use and the temporary use of the trust to procure the benefits of said franchise.  
11 7. Agreeing NOT to become the Beneficiary but rather the Trustee of the trust. Your public servants, in fact, become the  
12 REAL beneficiary because not they can control all the property that you associate the trustee license number with. All  
13 trusts created by the government are charitable trusts, and all such trusts exist for the equal benefit of all. The only way  
14 that anyone can receive specified compensation from such a trust is as an employee of the trust called a "Trustee". If  
15 you were a "beneficiary" instead of a "trustee", then EVERYONE in the public, including those who never signed up,  
16 could receive equal "benefits" and this is not how the program is run. Therefore, the program can only be offered to  
17 officers of the government and not the public generally. Otherwise, the government will have created a "Title of  
18 Nobility", which the Constitution forbids.  
19 8. Agreeing to use the Trustee License Number called the Social Security Number in association with every transaction  
20 that involves the execution of the office.  
21 9. Becoming "federal personnel":

22 [TITLE 5 > PART 1 > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
23 [§552a. Records maintained on individuals](#)

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

25 (13) the term "Federal personnel" means officers and employees of the Government of the United States,  
26 members of the uniformed services (including members of the Reserve Components), **individuals entitled to**  
27 **receive immediate or deferred retirement benefits under any retirement program of the Government of the**  
28 **United States (including survivor benefits).**

29 If you would like an exhaustive analysis of all the implications of participating in the Social Security franchise, why it  
30 creates a public office, and why you become the officer and "trustee" and "straw man" who is surety for the public officer  
31 created, see:

32 Those acting as "franchisees", "public officers", and therefore "straw men" within the government are also called by the  
33 following synonyms on government forms:

- 34 1. "Individuals" as defined in 5 U.S.C. §552a(a)(2). These "individuals" are all government instrumentalities and entities  
35 because they are defined within Title 5 of the U.S. Code, which only regulates the conduct of government employees  
36 and not the private public.  
37 2. "taxpayers" as defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.  
38 3. "U.S. persons" as defined in 26 U.S.C. §7701(a)(30), where the "U.S." they mean is the government and not the  
39 geographical United States of America.  
40 4. "U.S. citizens" or "U.S. residents" within the "tax code" but not within other titles of the U.S. Code. The term "U.S."  
41 as used in these terms implies the District of Columbia corporation pursuant to 26 U.S.C. §7701(a)(9) and (a)(10) and  
42 no part of any federal territory. You can only have a domicile in this corporation if you are acting as one of it's  
43 officers, because it is a virtual and not a physical entity. This is confirmed by the District of Columbia Act of 1871, in  
44 which the District of Columbia is referred to as a "body corporate" and NOT a "body politic".

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

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

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

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

12 If you want to know how and why our government was converted into a private, for profit corporation and all the citizens  
13 were converted unwittingly into officers of the corporation, see:

*Corporatization and Privatization of the Government, Form #05.024*  
<http://sedm.org/Forms/FormIndex.htm>

## 14 **6.6 Federal Rule of Civil Procedure 17**

15 Federal Rule of Civil Procedure 17(d) addresses the “straw man” by name:

16 *Federal Rules of Civil Procedure*

17 *IV. PARTIES > Rule 17.*

18 *[Rule 17. Plaintiff and Defendant; Capacity; Public Officers](#)*

19 *(d) Public Officer's Title and Name.*

20 *A public officer who sues or is sued in an official capacity may be designated by official title rather than by*  
21 *name, but the court may order that the officer's name be added.*

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

23 The [Federal Rule of Civil Procedure 17\(b\)](#) says that the capacity to sue or be sued is determined by the law of the  
24 individual’s domicile. It quotes two and only two exceptions to this rule, which are:

- 25 1. A person acting in a representative capacity as an officer of a federal entity.  
26 2. A corporation that was created and is domiciled within federal territory.

27 This means that if a person is domiciled within the exclusive jurisdiction of a state of the Union and not within a federal  
28 enclave, then state law are the rules of decision rather than federal law. Since state income tax liability in nearly every state  
29 is dependent on a federal liability first, this makes an income tax liability impossible for those domiciled outside the federal  
30 zone or inside the exclusive jurisdiction of a state, because such persons cannot be statutory “U.S. citizens” as defined in 8  
31 U.S.C. §1401 nor “residents” as defined in 26 U.S.C. §7701(b)(1)(A) .

32 *IV. PARTIES > Rule 17.*

33 *[Rule 17. Parties Plaintiff and Defendant; Capacity](#)*

34 *(b) Capacity to Sue or be Sued.*

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

36 ***(1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;***

37 ***(2) for a corporation, by the law under which it was organized; and***

38 *(3) for all other parties, by the law of the state where the court is located, except that:*

39 *(A) a partnership or other unincorporated association with no such capacity under that state's law may sue*  
40 *or be sued in its common name to enforce a substantive right existing under the United States Constitution*  
41 *or laws; and*

42 *(B) 28 U.S.C. §§ 754 and 959(a) govern the capacity of a receiver appointed by a United States court to sue*  
43 *or be sued in a United States court.*

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

1 A “person” as defined in 26 U.S.C. §7343 and 26 U.S.C. §6671(b) engaged in the “trade or business” franchise occupies a  
2 “public office” within the U.S. government, which is a federal corporation (28 U.S.C. §3002(15)(A) ) created and  
3 domiciled on federal territory. The entities below are therefore the REAL “persons” and “taxpayers” within the I.R.C.

4 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
5 [§ 6671. Rules for application of assessable penalties](#)

6 (b) Person defined

7 *The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member*  
8 *or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in*  
9 *respect of which the violation occurs.*  
10

11 [TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343](#)  
12 [§ 7343. Definition of term “person”](#)

13 *The term “person” as used in this chapter includes an officer or employee of a corporation, or a member or*  
14 *employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in*  
15 *respect of which the violation occurs.*

16 The only type of “corporation” they can be referring to above are federal corporations, because states are not subject to  
17 federal legislative jurisdiction, are sovereign, and therefore “foreign”:

18 *“A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was*  
19 *created, and of that state or country only.”*  
20 *[19 Corpus Juris Secundum, Corporations, §886]*

21 The “person” referred to above is also acting in a representative capacity as an officer of said corporation. Therefore, such  
22 “persons” are the ONLY real “taxpayers” under Internal Revenue Code, Subtitle A against whom federal law may be cited  
23 outside of federal territory. Anyone in the government who therefore wishes to enforce federal law against a person  
24 domiciled outside of federal territory (the “United States” as defined in 26 U.S.C. §7701(a)(9) and (a)(10)) and who is  
25 therefore not a statutory “U.S. citizen” or “resident” (alien) therefore must satisfy the burden of proof with evidence  
26 to demonstrate that the defendant lawfully occupied a public office within the U.S. government in the context of all  
27 transactions that they claim are subject to tax. See:

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

28 **6.7 The Privacy Act identifies the “straw man”**

29 The Privacy Act identifies the straw man as “federal personnel”:

30 [TITLE 5 > PART I > CHAPTER 5 > SUBCHAPTER II > § 552a](#)  
31 [§552a. Records maintained on individuals](#)

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

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

37 The “Federal personnel” to which they refer include Social Security, which is a form of deferred retirement program.

38 **6.8 Taxpayer Identification Numbers Issued to the Straw Man**

39 The straw man is a franchisee engaged in privileged activities with an effective domicile on federal territory. The older  
40 versions of the regulations admit that this straw man acquires an effective domicile on federal territory by engaging in the  
41 “trade or business” franchise:

26 CFR §301.7701-5 Domestic, foreign, resident, and nonresident persons.

A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the United States. **A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation.** A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. **Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.**

[Amended by T.D. 8813, Federal Register: February 2, 1999 (Volume 64, Number 21), Page 4967-4975]

Notice that the above implies that you indirectly are making an election to become a “resident alien” pursuant to 26 U.S.C. §7701(b)(A) whenever you consent to engage in the “trade or business” excise taxable franchise. The reason you must do this is because you are only eligible for the benefits if you are domiciled or resident on federal territory and therefore within the legislative jurisdiction of congress.

The instructions for IRS Form 1042-s indicate all the circumstances where “Taxpayer Identification Numbers” are absolutely required. The TIN functions as a de facto license to engage in federal franchises and the occasions where this license is ABSOLUTELY REQUIRED identify what the franchises are that which are subject to said license. Below is the section of this form containing the list, and note that the very first item is the “trade or business” franchise, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”, which office is in the U.S. government and the District of Columbia as mandated by 4 U.S.C. §72:

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

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

- Any recipient whose income is effectively connected with the **conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)]** in the United States.  
*Note.* For these recipients, exemption code 01 should be entered in box 6.
- Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a foreign country and the United States, unless the income is an unexpected payment (as described in Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations that are actively traded; dividends from any redeemable security issued by an investment company registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and are registered with the Securities and Exchange Commission under the Securities Act of 1933; and amounts paid with respect to loans of any of the above securities.
- Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities received under qualified plans.
- A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt organization under section 501(c ) or as a private foundation.
- Any QI.
- Any WP or WT.
- Any nonresident alien individual claiming exemption from withholding on compensation for independent personal services [services connected with a “trade or business”].
- Any foreign grantor trust with five or fewer grantors.
- Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.  
[IRS Form 1042s Instructions, Year 2006, p. 14]

We have taken the time to further investigate the list above and put it in tabular form for your reading pleasure:

**Table 2: Instances where Taxpayer Identification Number is MANDATORY**

#	Name	Applicable I.R.C. Code section(s)
1	Effectively connected with the “trade or business” franchise	26 U.S.C. §7701(a)(26) 26 U.S.C. §871(b) 26 U.S.C. §1

#	Name	Applicable I.R.C. Code section(s)
2	Foreign person claiming reduced rate of, exemption from, tax under treaty	26 U.S.C. §894 26 U.S.C. §6114 26 U.S.C. §6712 26 U.S.C. §1(h)(11)(C)(i)(II)
3	Nonresident alien claiming exemption for annuities received under qualified plans	26 U.S.C. §871(f)
4	Foreign organization claiming an exemption from tax solely because of its status as a tax exempt organization	26 U.S.C. §501(c )
5	Qualified Intermediary (QI)	26 CFR §1.1441-1(e)(5): Generally 26 CFR §1.1441-1(e)(5)(ii): Definition
6	Withholding Foreign Partnership (WP) or Withholding Foreign Trust (WT)	26 CFR §1.1441-5(c )
7	Nonresident claiming exemption for independent personal services	26 CFR §1.1441-4(b)(4): Withholding 26 CFR §1.1461-1(c )(2)(i): Reporting 26 CFR §1.1441-6(g)(1): TIN requirement
8	Foreign grantor trust with five or fewer grantors	26 U.S.C. §§671 to 679 26 CFR §1.1441-5(e): Generally 26 CFR §1.1441-1(c )(26): Definition
9	Any branch of a foreign bank or foreign insurance company that is treated as a “U.S. person”	26 U.S.C. §7701(a)(30)

1 Based on reading the statutory authorities for each of the conditions requiring a Taxpayer Identification Number, we reach  
2 the following conclusions:

- 3 1. Every one of the conditions involves a “benefit” and thereby a franchise or “public right” of some kind and implies a  
4 reduction in an *existing* tax liability that can ONLY be incurred by a person lawfully serving in a public office within  
5 the government, including:  
6 1.1. 501(c ) status.  
7 1.2. The entity is a privileged “corporation”.  
8 1.3. They are a “withholding agent” within the U.S. government pursuant to 26 U.S.C. §7701(a)(16) in the case of a  
9 WP or WT.  
10 1.4. “trade or business” deductions under 26 U.S.C. §162.  
11 1.5. Exemption from tax under 26 U.S.C. §871(f).  
12 1.6. Exemption from withholding because engaged in “personal services”, which is defined as work performed in  
13 connection with the “trade or business” franchise.

14 [26 CFR §1.469-9](#) Rules for certain rental real estate activities.

15 *(b)(4) PERSONAL SERVICES. **Personal services means any work performed by an individual in connection***  
16 ***with a trade or business.** However, personal services do not include any work performed by an individual in*  
17 *the individual’s capacity as an investor as described in section 1.469-5T(f)(2)(ii).*

18 2. The subject is a “U.S. person” domiciled in the District of Columbia and therefore subject to the municipal rather than  
19 federal laws applicable there.

20 In other words, you have to be part of the government or contracting with the government in order to need a de facto license  
21 to engage in federal franchises called a Taxpayer Identification Number. The average American is not engaged in any thing  
22 that has to do with the U.S. government. It is only by the abuse of “words of art” to deceive them that they can even  
23 become connected with the U.S. government.

1 26 U.S.C. §871 confirms that only earnings from sources within the “United States” (District of Columbia pursuant to 26  
2 U.S.C. §7701(a)(9) and (a)(10)) are subject to tax in the case of a nonresident alien. People domiciled in states of the  
3 Union are nonresident aliens because they are outside of the legislative jurisdiction of Congress:

4 *“It is no longer open to question that **the general government, unlike the states**, Hammer v. Dagenhart, [247](#)  
5 [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**  
6 **internal affairs of the states; and emphatically not with regard to legislation.**”  
7 [*Carter v. Carter Coal Co.*, [298 U.S. 238](#), 56 S.Ct. 855 (1936)]*

8 *“The difficulties arising out of our dual form of government and the opportunities for differing opinions  
9 concerning the relative rights of state and national governments are many; **but for a very long time this court**  
10 **has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or**  
11 **their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like  
12 limitation upon the power which springs from the bankruptcy clause. *United States v. Butler*, *supra*.”  
13 [*Ashton v. Cameron County Water Improvement District No. 1*, 298 U.S. 513, 56 S.Ct. 892 (1936)]*

14 All of the activities for which Taxpayer Identification Numbers are required involve privileged activities and the Taxpayer  
15 Identification Number acts as the de facto license to engage in the activity. Of such licenses, the U.S. Supreme Court has  
16 said that Congress may not “authorize”, meaning “license” ANY ACTIVITY, including the “trade or business” franchise,  
17 within a state of the Union:

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

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

35 **6.9 UCC places the Straw Man in the District of Columbia**

36 The Uniform Commercial Code governs how commercial transactions are executed. The term “United States” within that  
37 code is defined as follows:

38 [UCC 9-307](#)

39 *“(h) The United States is located in the District of Columbia.”*  
40 [*SOURCE: <http://www.law.cornell.edu/ucc/9/article9.htm#s9-307>*]

41 The above is the SAME “United States”:

- 42 1. Defined within the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10) as the “District of Columbia”.  
43 2. That is used in the phrase “U.S. citizen” and “U.S. resident” found on most government forms, and especially on tax  
44 forms.  
45 3. Referenced in 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d) as the place where your identity is kidnapped and  
46 involuntarily transported to the District of Columbia if you happen to be located outside of the District of Columbia at  
47 the time.

## 6.10 IRS Liens are against the “straw man”

When the IRS liens a “taxpayer”, the lien is accomplished as follows:

1. The authority for the lien is found in 26 U.S.C. §6331(a), which identifies who the proper subject is. This subject is an officer or agent of the U.S. government:

[TITLE 26 > Subtitle F > CHAPTER 64 > Subchapter D > PART II > § 6331](#)  
[§ 6331. Levy and distraint](#)

(a) Authority of Secretary

*If any person liable to pay any tax neglects or refuses to pay the same within 10 days after notice and demand, it shall be lawful for the Secretary to collect such tax (and such further sum as shall be sufficient to cover the expenses of the levy) by levy upon all property and rights to property (except such property as is exempt under section 6334) belonging to such person or on which there is a lien provided in this chapter for the payment of such tax. **Levy may be made upon the accrued salary or wages of any officer, employee, or elected official, of the United States, the District of Columbia, or any agency or instrumentality of the United States or the District of Columbia, by serving a notice of levy on the employer (as defined in section 3401(d)) of such officer, employee, or elected official.** If the Secretary makes a finding that the collection of such tax is in jeopardy, notice and demand for immediate payment of such tax may be made by the Secretary and, upon failure or refusal to pay such tax, collection thereof by levy shall be lawful without regard to the 10-day period provided in this section.*

2. When a lien is executed, a Transaction Code 582 is entered in the IRS Individual Master File (IMF) of the “person”. This transaction code indicates a “Regular Lien”.
3. IRS Form 668(Y)(c) Notice of Lien is mailed to the last known address of the “person” and to the country recorder at the last known address. This notice includes a column (a) indicating “Kind of Tax”. This column represents the Internal Revenue Code section from which the authority to impose the lien derives. It does NOT represent the form number, but the I.R.C. code section. See:  
<http://sedm.org/SampleLetters/Federal/Situational/IRS-668Yc-050504.pdf>
4. Most IRS Form 668(Y)(c) Notice of Liens that we have seen indicate I.R.C. Section 1040 in column (a) for “Kind of Tax”.
5. I.R.C. Section 1040 reads as follows. Note that this section refers to executors and trustees over estates of deceased persons, who are fiduciaries and officers of the deceased person. This deceased person was domiciled on federal territory at the time of death and therefore subject to the provisions of Subtitle B of the Internal Revenue Code.

[TITLE 26 > Subtitle A > CHAPTER 1 > Subchapter O > PART III > § 1040](#)  
[§ 1040. Transfer of certain farm, etc., real property](#)

(a) General rule

*If the executor of the estate of any decedent transfers to a qualified heir (within the meaning of section 2032A (e)(1)) any property with respect to which an election was made under section 2032A, then gain on such transfer shall be recognized to the estate only to the extent that, on the date of such transfer, the fair market value of such property exceeds the value of such property for purposes of chapter 11 (determined without regard to section 2032A).*

(b) Similar rule for certain trusts

*To the extent provided in regulations prescribed by the Secretary, a rule similar to the rule provided in subsection (a) shall apply where **the trustee of a trust (any portion of which is included in the gross estate of the decedent) transfers property with respect to which an election was made under section 2032A.***

(c) Basis of property acquired in transfer described in subsection (a) or (b)

*The basis of property acquired in a transfer with respect to which gain realized is not recognized by reason of subsection (a) or (b) shall be the basis of such property immediately before the transfer increased by the amount of the gain recognized to the estate or trust on the transfer.*

Consequently, when the IRS places a lien on you for an unpaid tax, they are assuming that:

- 1 1. You are a trustee or executor for a deceased “taxpayer” domiciled on federal territory.
- 2 2. You are a “transferee” pursuant to 26 U.S.C. §6901 or a fiduciary pursuant to 26 U.S.C. §6903.

3 If you would like further information on this SCAM, see the following articles:

- 4 1. *Liens: Are they for Subtitle A Income taxes or Subtitle B Estate Taxes?*  
5 <http://famguardian.org/TaxFreedom/Evidence/Collection/Lien/Lien.htm>
- 6 2. *How the IRS traps into liability by making you a fiduciary for a dead "straw man"*  
7 <http://famguardian.org/TaxFreedom/Instructions/0.6HowIRStrapsYouStrawman.htm>

## 8 **6.11 All IRS correspondence is directed at the “straw man” and not private persons**

9 All IRS notices and correspondence contain the following below the return address:

10 *“Penalty for Private Use \$300”*

11 The opposite of private is public. Which means that their correspondence can only be directed at a public officer or  
12 government entity and not a private person. IRS is NOT empowered to correspond with anyone other than fellow  
13 government instrumentalities, agencies, bureaus, and “employees”. That is why they are a “bureau” rather than an  
14 “agency” by the admission of no less than the Dept. of Justice: Because bureaus service only other government entities and  
15 do not interact directly with the public. See:

*U.S. Government admits under oath that the IRS is not an agency of the U.S. Government!*  
<http://famguardian.org/Subjects/Taxes/Evidence/USGovDeniesIRS/USGovDeniesIRS.htm>

## 16 **6.12 IRS Withholding Notices Directed at the Straw Man**

17 Whenever you fill out an IRS Form W-4, the IRS uses the submission as prima facie evidence of the existence of a “public  
18 office” within the U.S. Government:

- 19 1. The upper left corner of the form indicates “Employee Withholding Allowance Certificate”.
- 20 2. The term “employee” is statutorily defined as follows:
  - 21 2.1. In 5 U.S.C. §2105 it means a public officer.
  - 22 2.2. In 26 U.S.C. §3401(c ) and 26 CFR §31.3401(c )-1 it is defined as an officer or instrumentality of the United  
23 States.
- 24 3. Submission of the form causes IRS form W-2’s to be filed in the name of the submitter connecting the submitter to a  
25 “trade or business” pursuant to 26 U.S.C. §6041(a).
- 26 4. A “trade or business” is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”.
- 27 5. 26 U.S.C. §7701(a)(31) indicates that any estate that is not connected to a “public office”/“trade or business” is a  
28 foreign estate not subject to the Internal Revenue Code.
- 29 6. It is ILLEGAL to file information returns against a person who is not engaged in a “public office”. Those who file  
30 false information returns are in violation of the following:
  - 31 6.1. 26 U.S.C. §7434: False information returns.
  - 32 6.2. 26 U.S.C. §7206 and 7207: False returns.
  - 33 6.3. 18 U.S.C. §912: Impersonating an officer or employee of the government.
- 34 7. 26 CFR §31.3401(a)-3(a) and 26 CFR §31.3402(p)-1 indicate that the IRS form W-4 is an agreement, meaning a  
35 contract, to call your earnings “wages” which are therefore subject to tax and reportable as “trade or business”  
36 earnings.
- 37 8. The submission of the IRS Form W-4 creates jurisdiction of the IRS to supervise the activities of the public officer  
38 straw man: Because the office is part of the government and you contractually are surety for the office be.

39 If you submit IRS Form W-4 indicating that you are exercising a “public office” within the government, and the IRS  
40 doesn’t like the way you filled out the W-4, they typically contact the employer and direct them to change some aspect of  
41 the withholding arrangement. For instance, they will send IRS Letter 2800C directing the private employer to disregard the  
42 exemptions claimed if they are excessive. See:

If you examine the lower right corner of this notice, you will find the following conspicuous language:

*For Internal Use Only XXX-XX-XXXX*

The phrase “Internal Use” refers to the GOVERNMENT, but they very conveniently don’t tell you that and won’t answer questions about what “internal” means. This is confirmed by the fact that:

1. The return address has printed below it “Penalty for Private Use \$300”. The opposite of private is public. Which means that their correspondence can only be directed at a public officer or government entity and not a private person.
2. The notice also does not have a valid OMB control number, which means that it can impose no obligation on the part of anyone other than a government entity. This is confirmed by the Paperwork Reduction Act at 44 U.S.C. §3412, which says that a private person not in the government cannot be penalized for failure to comply with a request for specific information.

## **7 Legal Actions Against the “Straw Man”**

This section will describe how legal actions in court operate upon the straw man. As we have proven throughout this document, the “straw man” is:

1. Created through your right to contract with others.
2. A “public office” within the government.
3. A product of your explicit (in writing) or implicit (by act) “consent” to occupy said office.
4. A creation of the government subject to government control and regulation.

Franchises are euphemistically called “public rights” by the U.S. Supreme Court. To wit:

*“The distinction between public rights and private rights has not been definitively explained in our precedents.<sup>32</sup> Nor is it necessary to do so in the present cases, for it suffices to observe that a matter of public rights must at a minimum arise “between the government and others.” Ex parte Bakelite Corp., *supra*, at 451, 49 S.Ct., at 413.<sup>33</sup> In contrast, “the liability of one individual to another under the law as defined,” Crowell v. Benson, *supra*, at 51, 52 S.Ct., at 292, is a matter of private rights. Our precedents clearly establish that only controversies in the former category may be removed from Art. III courts and delegated to legislative courts or administrative agencies for their determination. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S. 442, 450, n. 7, 97 S.Ct. 1261, 1266, n. 7, 51 L.Ed.2d 464 (1977); Crowell v. Benson, *supra*, 285 U.S., at 50-51, 52 S.Ct., at 292. See also Katz, Federal Legislative Courts, 43 Harv.L.Rev. 894, 917-918 (1930).FN24 Private-rights disputes, on the other hand, lie at the core of the historically recognized judicial power.”*

[ . . . ]

*“Although Crowell and Raddatz do not explicitly distinguish between rights created by Congress and other rights, such a distinction underlies in part Crowell’s and Raddatz’ recognition of a critical difference between rights created by federal statute and rights recognized by the Constitution. Moreover, such a distinction seems to us to be necessary in light of the delicate accommodations required by the principle of separation of powers*

<sup>32</sup> Crowell v. Benson, 285 U.S. 22, 52 S.Ct. 285, 76 L.Ed. 598 (1932), attempted to catalog some of the matters that fall within the public-rights doctrine:

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

<sup>33</sup> Congress cannot “withdraw from [Art. III] judicial cognizance any matter which, from its nature, is the subject of a suit at the common law, or in equity, or admiralty.” Murray’s Lessee v. Hoboken Land & Improvement Co., 18 How. 272, 284 (1856) (emphasis added). It is thus clear that the presence of the United States as a proper party to the proceeding is a necessary but not sufficient means of distinguishing “private rights” from “public rights.” And it is also clear that even with respect to matters that arguably fall within the scope of the “public rights” doctrine, the presumption is in favor of Art. III courts. See Glidden Co. v. Zdanok, 370 U.S., at 548-549, and n. 21, 82 S.Ct., at 1471-1472, and n. 21 (opinion of Harlan, J.). See also Currie, The Federal Courts and the American Law Institute, Part I, 36 U.Chi.L.Rev. 1, 13-14, n. 67 (1968). Moreover, when Congress assigns these matters to administrative agencies, or to legislative courts, it has generally provided, and we have suggested that it may be required to provide, for Art. III judicial review. See Atlas Roofing Co. v. Occupational Safety and Health Review Comm’n, 430 U.S., at 455, n. 13, 97 S.Ct., at 1269, n. 13.

1 reflected in Art. III. The constitutional system of checks and balances is designed to guard against  
2 "encroachment or aggrandizement" by Congress at the expense of the other branches of government. [Buckley](#)  
3 [v. Valeo, 424 U.S., at 122, 96 S.Ct., at 683](#). But when Congress creates a statutory right [a "privilege" in this  
4 case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions,  
5 or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that  
6 right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to  
7 that right.<sup>FN35</sup> Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental  
8 to Congress' power to define the right that it has created. No comparable justification exists, however, when the  
9 right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions  
10 that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions  
11 of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted  
12 encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts.  
13 [*Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. at 83-84, 102 S.Ct. 2858 (1983)]

## 14 **7.1 Proving consent that creates the "straw man" in court**

15 The terms "public right" as used in the preceding section and "privilege" are synonymous. You become eligible to partake  
16 of the "privilege" or "public right" by consenting to the franchise agreement. Examples of how that consent is procured  
17 include, but are not limited to, the following:

- 18 1. Filling out a government application. Such an "application" really constitutes "begging" for government benefits. You  
19 are a beggar and a vagabond who can't govern and support himself so you are asking the government to subsidize your  
20 idleness.
- 21 2. Filling out an SS-5 Application for a Social Security Card.
- 22 3. Applying for government employment.
- 23 4. Filling out an IRS Form 1040 tax return, taking deductions on the return, signing, and submitting it. Everything that  
24 goes on such a "return" is earnings connected with the "trade or business" franchise. 26 U.S.C. §162 says you can  
25 only take deductions on this form if you are in fact engaged in the "trade or business" franchise. Every attempt to  
26 avoid the liabilities of the franchise by taking deductions in effect ropes you further into the franchise. Everything you  
27 take deductions against becomes private property donated to a public use to procure the benefits of a federal franchise.

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

37 The only way out of the "trade or business" franchise is to stop the usually FALSE information return reports that  
38 connected your private "income" with the "public office" to begin with using the following. This then prevents you  
39 from ever having to file the "return" in the first place. If you don't have "income" as defined in 26 U.S.C. §643(b),  
40 then you don't need deductions in the first place:

[Correcting Erroneous Information Returns, Form #04.012](http://sedm.org/Forms/FormIndex.htm)  
<http://sedm.org/Forms/FormIndex.htm>

- 41 5. Filling out a driver's license application. The Vehicle Code in your state is private law that you can only become  
42 subject to with your consent. The application for any kind of "license" is evidence of consent to surrender all rights  
43 adversely impacted by making such application.
- 44 6. Filling out a marriage license application.

45 It is important to know how our property becomes connected with the franchise because all disputes in court relating to the  
46 "straw man" will relate to this property. In fact:

- 47 1. All rights are property.
- 48 2. Anything that conveys rights is property.
- 49 3. Contracts convey rights, and therefore are "property".
- 50 4. All franchises are contracts and therefore are "property".

**It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and that it does in fact constitute a contract when the requisite element of a consideration is present.**<sup>34</sup>

Conversely, a franchise granted without consideration is not a contract binding upon the state.<sup>35</sup> It is generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the grant constitutes a sufficient consideration.<sup>36</sup> As expressed by some authorities, the benefit to the community may constitute the sole consideration for the grant of a franchise by a state.<sup>37</sup>

**A contract thus created has the same status as any other contract recognized by the law.**<sup>38</sup> It is binding mutually upon the grantor and the grantee and is enforceable according to its terms and tenor,<sup>39</sup> and is entitled to be protected from impairment by legislative action under the provision of the state and federal constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired or lessened.<sup>40</sup> The well-established rule as to franchises is that where a municipal corporation, acting within its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be impaired by a subsequent municipal enactment.<sup>41</sup> Certain limitations upon this general rule, and particular applications thereof, are discussed in the following section.

<sup>34</sup> Larson v. South Dakota, 278 US 429, 73 L.Ed. 441, 49 S Ct 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark 774, 4 S.W.2d. 15, 58 ALR 534; Chicago General R. Co. v. Chicago, 176 Ill 253, 52 NE 880; Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Baker v. Montana Petroleum Co. 99 Mont 465, 44P.2d. 735; Re Board of Fire Comrs. 27 NJ 192, 142 A2d 85; Chrysler Light & P. Co. v. Belfield, 58 ND 33, 224 NW 871, 63 ALR 1337; Franklin County v. Public Utilities Com. 107 Ohio St 442, 140 NE 87, 30 ALR 429; State ex rel. Daniel v. Broad River Power Co. 157 SC 1, 153 SE 537; Rutland Electric Light Co. v. Marble City Electric Light Co. 65 Vt 377, 26 A 635; Virginia-Western Power Co. v. Commonwealth, 125 Va 469, 99 S.E. 723, 9 ALR 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va 134, 114 SE 92, 28 ALR 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va 69, 126 SE 353.

<sup>35</sup> Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.

<sup>36</sup> Central Transp. Co. v. Pullman's Palace Car Co. 139 US 24, 35 L.Ed. 55, 11 S Ct 478; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Dufour v. Stacey, 90 Ky 288, 14 SW 48; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433.

<sup>37</sup> Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433.

<sup>38</sup> Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13.

<sup>39</sup> Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433; East Ohio Gas Co. v. Akron, 81 Ohio St 33, 90 NE 40.

<sup>40</sup> Ohio Pub. Serv. Co. v. Ohio, 274 US 12, 71 L.Ed. 898, 47 S Ct 480; Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196; Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153; Kansas Gas & E. Co. v. Independence (CA10) 79 F2d 32, 638, 100 ALR 1479; State ex rel. Weatherly v. Birmingham Waterworks Co. 185 Ala 388, 64 So 23; Colorado & S. R. Co. v. Ft. Collins, 52 Colo 281, 121 P 747; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Chicago v. Chicago Union Traction Co. 199 Ill 259, 65 NE 243; Rushville v. Rushville Natural Gas Co. 164 Ind 162, 73 NE 87; State ex rel. Shaver v. Iowa Tel. Co. 175 Iowa 607, 154 NW 678; Dayton v. South Covington & C. Street R. Co. 177 Ky 202, 197 SW 670; Shreveport Traction Co. v. Shreveport, 122 La 1, 47 So 40; Benton Harbor v. Michigan Fuel & Light Co. 250 Mich 614, 231 NW 52, 71 ALR 114; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 NW 527, 86 NW 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Quinby v. Public Serv. Com. 223 NY 244, 119 NE 433, 3 ALR 685; Northwestern Tel. Exch. Co. v. Anderson, 12 ND 585, 98 NW 706; Interurban R. & Terminal Co. v. Public Utilities Com. 98 Ohio St 287, 120 NE 831, 3 ALR 696; Providence Gas Co. v. Thurber, 2 RI 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 SW 104; Salt Lake City v. Utah Light & Traction Co. 52 Utah 210, 173 P 556, 3 ALR 715; State v. Gibbs, 82 Vt 526, 74 A 229; Virginia-Western Power Co. v. Commonwealth, 125 Va 469, 99 S.E. 723, 9 ALR 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va 134, 114 SE 92, 28 ALR 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va 69, 126 SE 353; Allen v. Forrest, 8 Wash 700, 36 P 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W Va 739, 35 SE 994, error dismd (US) 46 L.Ed. 1267, 22 S Ct 942; Wright v. Milwaukee Electric R. & Light Co. 95 Wis 29, 69 NW 791.

<sup>41</sup> New York Electric Lines Co. v. Empire City Subway Co. 235 U.S. 179, 59 L.Ed 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City, 230 US 84, 57 L.Ed. 1400, 33 S Ct 997; Owensboro v. Cumberland Tel. & Tel. Co. 230 US 58, 57 L.Ed. 1389, 33 S Ct 988; Omaha Water Co. v. Omaha (CA8) 147 F 1, app dismd 207 U.S. 584, 52 L.Ed 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo 281, 121 P 747; Washington v. Atlantic Coast Line R. Co. 136 Ga 638, 71 SE 1066; Rushville v. Rushville Natural Gas Co. 164 Ind 162, 73 NE 87; Michigan Tel. Co. v. St. Joseph, 121 Mich 502, 80 NW 383; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 NW 527, 86 NW 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Backus v. Lebanon, 11 NH 19; Northwestern Tel. Exch. Co. v. Anderson, 12 ND 585, 98 NW 706; Elliott v. Eugene, 135 Or 108, 294 P 358; Milwaukee Electric R. & Light Co. v. Railroad Com. 153 Wis 592, 142 NW 491, affd 238 US 174, 59 L.Ed. 1254, 35 S Ct 820.

1                   The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state  
2 statute<sup>42</sup> or in the constitution of the state.<sup>43</sup>  
3 [Am.Jur.2d., Franchises, §2: As a Contract]

- 4 5. Any of your property that you connect to the franchise becomes “property” of the franchise itself. That donation  
5 process occurs by attaching the franchise license number, which is the Social Security Number or Taxpayer  
6 Identification Number, to your private property. All property so associated becomes “private property donated to a  
7 public use to procure the benefits of a government franchise”.

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

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

- 16 6. A franchise with the government makes all property connected with the government into “public property” controlled  
17 by the “public office” instead of the private person who formerly owned it.

## 18 **7.2 Franchise (property) courts**

19 In any dispute arises under the franchise agreement, the dispute must be heard in a what we call a “property court”. For  
20 instance, all federal district and circuit courts are “property” courts established pursuant to Article 4, Section 3, Clause 2 of  
21 the United States Constitution, which states:

22                   United States Constitution  
23 Article 4, Section 3, Clause 2

24                   The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the  
25 Territory or other Property belonging to the United States; and nothing in this Constitution shall be so  
26 construed as to Prejudice any Claims of the United States, or of any particular State.

27 Federal district and circuit courts are NOT Article III constitutional courts, but simply property courts. This fact is  
28 exhaustively proven in the following book:

What Happened to Justice?

<http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>

29 For an example of why federal district and circuit courts are Article IV courts, we need look no further than the federal  
30 judge’s oath. The judge oath is prescribed in [28 U.S.C. §453](#) and [5 U.S.C. §3331](#) and all federal judges take the same oath.  
31 The oath that all judges take is a combination of these two code sections and reads as follows:

32                   “I, \_\_\_\_\_, do solemnly swear and affirm that I will administer justice without regard to persons and do  
33 equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all of the  
34 duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States, and that I  
35 will support and defend the Constitution of the United States against all enemies foreign and domestic, that I  
36 will bear true faith and allegiance to the same, and that I take this obligation freely without any mental  
37 reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I  
38 am about to enter. So help me God.”

39 The federal judge oath says that they will “ administer justice without regard to persons”. If they don’t “regard persons”,  
40 then they can’t care about the Constitutional rights of such “persons”. Practical experience litigating in federal court has

<sup>42</sup> The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or corporation a property right protected by the Federal Constitution against impairment. Russell v. Sebastian, 233 US 195, 58 L.Ed. 912, 34 S Ct 517.

<sup>43</sup> Madera Waterworks v. Madera, 228 US 454, 57 L.Ed. 915, 33 S Ct 571.

1 taught us that in fact, these “franchise courts” that administer federal franchises don’t give a DAMN about your rights as a  
2 “person” under the constitution. Those participating in federal franchises, in fact, don’t have any rights, but only statutorily  
3 granted privileges or “public rights”.

4 It is VERY important that even property courts such as federal district and circuit courts cannot proceed without your  
5 consent:

- 6 1. They are officiating over a franchise and all franchises are property.
- 7 2. The ONLY way that a specific franchise agreement could lawfully become “property” in the first place is through a  
8 legally enforceable contract or agreement you expressly or impliedly consented to, usually in writing. Rights are *not*  
9 conveyed to the government *without* express or implied consent.
- 10 3. In any litigation involving a franchise, the first step in the litigation must include proving you are subject to the  
11 franchise agreement. In a tax case, for instance, the court would need to show that you are a franchisee called a  
12 “taxpayer” as legally defined in 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313.
- 13 4. The court cannot lawfully officiate over any dispute until you consent to their jurisdiction until you make an  
14 “appearance” in the matter, which is legally defined as consenting to the jurisdiction of the court:

15 *appearance.* *A coming into court as a party to a suit, either in person or by attorney, whether as plaintiff or*  
16 *defendant. The formal proceeding by which a defendant submits himself to the jurisdiction of the court. The*  
17 *voluntary submission to a court's jurisdiction.*

18 *In civil actions the parties do not normally actually appear in person, but rather through their attorneys (who*  
19 *enter their appearance by filing written pleadings, or a formal written entry of appearance). Also, at many*  
20 *stages of criminal proceedings, particularly involving minor offenses, the defendant's attorney appears on his*  
21 *behalf. See e.g., Fed.R.Crim.P. 43.*

22 *An appearance may be either general or special; the former is a simple and unqualified or unrestricted*  
23 *submission to the jurisdiction of the court, the latter is a submission to the jurisdiction for some specific*  
24 *purpose only, not for all the purposes of the suit. A special appearance is for the purpose of testing or objecting*  
25 *to the sufficiency of service or the jurisdiction of the court over defendant without submitting to such*  
26 *jurisdiction; a general appearance is made where the defendant waives defects of service and submits to the*  
27 *jurisdiction of court. Insurance Co. of North America v. Kunin, 175 Neb. 260, 121 N.W.2d 372, 375, 376.*  
28 *[Black's Law Dictionary, Sixth Edition, p. 97]*

29 The party seeking to enforce a right under a franchise agreement in a court of law therefore has the burden of proving that  
30 you as the defendant or respondent did one or more of the following:

- 31 1. Expressly consented to the franchise agreement in writing at some point.
- 32 2. Never denied that you were engaged in the franchise.
- 33 3. Describe yourself as a “franchisee” such as a “taxpayer”.
- 34 4. Are in possession, use, or control of the franchise license number called a Social Security Number or Taxpayer  
35 Identification Number.
- 36 5. Waived sovereign immunity under the Foreign Sovereign Immunities Act by either:  
37 5.1. Engaging in any of the activities described in 28 U.S.C. §1605 OR . . .  
38 5.2. By declaring yourself to be a “citizen” under the law of the foreign sovereign pursuant to 28 U.S.C. §1603(b)(3).
- 39 6. Availled yourself of the “benefits” of the franchise by accepting payments in connection with it.

40 CALIFORNIA CIVIL CODE  
41 DIVISION 3. OBLIGATIONS  
42 PART 2. CONTRACTS  
43 CHAPTER 3. CONSENT  
44 Section 1589  
45

46 *1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations*  
47 *arising from it, so far as the facts are known, or ought to be known, to the person accepting.*

48 **7.3 Proceedings against “straw man” are “in rem”**

49 Any proceeding involving the enforcement of any provisions of the franchise agreement in court is always against the “res”.  
50 The “res”, in turn, is the collection of all rights that attach to the “public office” and the franchise license which creates the  
51 office:

1 **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  
2 word has a very wide and extensive signification, including not only things which are objects of property, but  
3 also such as are not capable of individual ownership. And in old English law it is said to have a general  
4 import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By "res,"  
5 according to the modern civilians, is meant everything that may form an object of rights, in opposition to  
6 "persona," which is regarded as a subject of rights. "Res," therefore, in its general meaning, comprises actions  
7 of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference  
8 to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.

9 **Res is everything that may form an object of rights and includes an object, subject-matter or status.** In re  
10 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-  
11 matter, or status, considered as the defendant in an action, or as an object against which, directly,  
12 proceedings are taken. Thus, in a prize case, the captured vessel is "the res"; and proceedings of this  
13 character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding,  
14 as when a cause, which is not between adversary parties, it entitled "In re \_\_\_\_\_".  
15 [Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

16 In law, any proceeding that is against a "res" or "license" is called "in rem".

17 *In rem.* A technical term used to designate proceedings or actions instituted against the thing, in  
18 contradistinction to personal actions, which are said to be in personam.

19 "In rem" proceedings encompass any action brought against person in which essential purpose of suit is to  
20 determine title to or to affect interest in specific property located within territory over which court has  
21 jurisdiction. ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d 1379, 1382.  
22 It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object  
23 the disposition of property, without reference to title of individual claimants; but, in a larger and more general  
24 sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of  
25 property owned by them, or of some interest therein. Such are cases commenced by attachment against the  
26 property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. Pennoyer v.  
27 Neff, 95 U.S. 714, 24 L.Ed. 565. IN the strict sense of the term, a proceeding "in rem" is one which is taken  
28 directly against property or one which is brought to enforce a right in the thing itself.

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

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

34 An example of an "in rem" proceeding involving a franchise would be an action for a divorce, which is an action to  
35 extinguish the "res" or "license".

36 It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an  
37 action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the  
38 'marriage status' is the res. Both parties to the marriage, and the state of the residence of each party to the  
39 marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action  
40 for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases  
41 assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the  
42 jurisdiction. Ditson v. Ditson, 4 R. I. 87, is the leading case so holding; see, also, Andrews v. Andrews, 188 U.S.  
43 14, 23 S.Ct. 237, 47 L.Ed. 366. Until 1905 the overwhelming weight of authority was to the effect that, if the  
44 petitioning party was domiciled in good faith in any state, that state could render a divorce decree on  
45 constructive service valid not only in the state of its rendition, but which would be recognized everywhere. In  
46 Atherton v. Atherton, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, the United States Supreme Court apparently  
47 recognized that doctrine. In that case the parties were living together and domiciled in Kentucky. That state was  
48 the last state where the parties lived together as husband and wife. The wife left the husband and came to and  
49 became domiciled in \*721 New York. She brought an action for divorce in New York, her husband defending  
50 on the ground that he had secured a divorce in Kentucky on constructive service. New York refused to recognize  
51 the validity of the Kentucky decree, on the ground that Kentucky could not in such an action affect the status of  
52 a citizen of New York. The United States Supreme Court reversed the New York decisions (82 Hun, 179, 31 N.  
53 Y. S. 977; Id. 155 N. Y. 129, 49 N. E. 933, 40 L. R. A. 291, 63 Am. St. Rep. 650) and \*33 held that the Kentucky  
54 decree was entitled to full faith and credit even though the wife was not served with process and not appear in  
55 the Kentucky action, and even though at the time the decree was rendered the wife was a resident of and  
56 domiciled in New York. In so holding, however, the court pointed out that the reason the Kentucky decree was  
57 entitled to full faith and credit was because Kentucky had jurisdiction over the marriage status by virtue of the  
58 fact that that state was the matrimonial domicile, i. e., the last place the parties lived together as husband  
59 and wife. Then in 1905, the United States Supreme Court decided the Haddock Case, supra. Here the parties were  
60 married and domiciled in the state of New York. The husband, without cause, abandoned his wife and went to

1 and acquired a domicile in Connecticut. Thereafter the husband secured in Connecticut a divorce on  
2 constructive service. Several years later the wife sued for divorce in New York, and secured personal service on  
3 the husband. The husband set up as a defense the Connecticut decree. New York refused to recognize it. The  
4 Supreme Court of the United States held that although the Connecticut decree was probably good in that state,  
5 it was without binding force in New York, and was not entitled to full faith and credit. The court pointed out that  
6 the matrimonial domicile of the parties was New York, and that in such a case Connecticut had no jurisdiction  
7 over the marriage status so as to affect the status of a New York resident. New York could recognize the  
8 Connecticut decree, but it could not be compelled to do so under the full faith and credit clause. The result of  
9 this decision has been to create a hopeless conflict of authority as to the status of a foreign divorce rendered  
10 against a nondomiciled defendant on constructive service. Some courts refuse to recognize foreign decrees so  
11 rendered as against their own residents. It should be noted that Pennsylvania, the state rendering the decree  
12 involved in the instant case, is a state which refuses to grant any efficacy to a foreign decree secured on  
13 constructive service against one of its own citizens, at least where Pennsylvania is the matrimonial domicile.  
14 *Colvin v. Reed*, 55 Pa. 375; *Duncan v. Duncan*, 265 Pa. 464, 109 A. 220. Other states recognize such decrees to  
15 their full extent, permitting them to be attacked solely on jurisdictional\*34 grounds. Among this latter group of  
16 states there is hopeless conflict of authority as to what constitutes a jurisdictional defect which can be  
17 collaterally attacked in a sister state. See 39 A. L. R. 603 AND 42 A. L. R. 1405, notes where the cases are  
18 exhaustively collected and commented upon.  
19 [*Delanoy v. Delanoy*, 216 Cal. 27, 13 P.2d 719 (CA. 1932)]

20 In a tax proceeding the “res” is the Taxpayer Identification Number (TIN) and the “account” that attaches to it.

- 21 1. Applying for the number makes you an “individual” and a “person” who is then “subject to the I.R.C.” because  
22 engaged in a franchise. Without applying for such a number, you couldn’t be an “individual” and therefore would not  
23 be the “person” described in 26 U.S.C. §7701(a)(1) who is subject to the code.

24 [26 CFR §301.6109-1\(d\)\(3\)](#)

25 (3) IRS individual taxpayer identification number –

26 (i) *Definition.* The term IRS individual **taxpayer identification number** means a taxpayer identifying  
27 number issued to an alien individual by the Internal Revenue Service, upon application, for use in  
28 connection with filing requirements under this title. The **term IRS individual taxpayer identification number**  
29 **does not refer to a social security number or an account number for use in employment for wages.** For  
30 purposes of this section, the term alien individual means an individual who is not a citizen or national of the  
31 United States.

- 32 2. Possessing or using said number constitutes prima facie evidence that you are THE “individual” described in the I.R.C.  
33 and defined in 26 CFR §1.1441-1(c)(3):

34 26 CFR §1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

35 **(c) Definitions**

36 **(3) Individual.**

37 (i) Alien individual.

38 The term alien individual means an individual who is not a citizen or a national of the United States. See Sec.  
39 1.1-1(c).

40 (ii) Nonresident alien individual.

41 The term nonresident alien individual means a person described in section 7701(b)(1)(B), an alien individual  
42 who is a resident of a foreign country under the residence article of an income tax treaty and Sec. 301.7701(b)-  
43 7(a)(1) of this chapter, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of  
44 Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under Sec. 301.7701(b)-  
45 1(d) of this chapter. An alien individual who has made an election under section 6013 (g) or (h) to be treated as  
46 a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of  
47 withholding under chapter 3 of the Code and the regulations thereunder.

- 48 3. The TIN acts as the de facto “license” to engage in the franchise or “public right”.

1 4. Disclosure of the TIN is prima facie evidence that you are engaging in franchises or public rights. It's use is only  
2 MANDATORY for persons engaged in all of the following activities described on IRS Form 1042s instructions, all of  
3 which are "franchises" and "public rights" that trigger jurisdiction of the I.R.C. upon the activities

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

5 **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 6 • Any recipient whose income is effectively connected with the conduct of a trade or business in the United  
7 States.  
8 *Note.* For these recipients, exemption code 01 should be entered in box 6.
- 9 • Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a  
10 foreign country and the United States, unless the income is an unexpected payment (as described in  
11 Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations  
12 that are actively traded; dividends from any redeemable security issued by an investment company  
13 registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from  
14 units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and  
15 are registered with the Securities and Exchange Commission under the Securities Act of 1933; and  
16 amounts paid with respect to loans of any of the above securities.
- 17 • Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities  
18 received under qualified plans.
- 19 • A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt  
20 organization under section 501(c ) or as a private foundation.
- 21 • Any QI.
- 22 • Any WP or WT.
- 23 • Any nonresident alien individual claiming exemption from withholding on compensation for independent  
24 personal services [services connected with a "trade or business"].
- 25 • Any foreign grantor trust with five or fewer grantors.
- 26 • Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

27 *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must*  
28 *include the TIN on Form 1042-S.*  
29 *[IRS Form 1042s Instructions, Year 2006, p. 14]*

- 30 5. The TIN is used to create and maintain the "account" in the Individual Master File (IMF) which tracks the exercise of  
31 the "public office" that is the subject of the tax.
- 32 6. The TIN is the property of the government. They use it to penalize you and can't penalize you without you  
33 consensually asking for the number to begin with on an IRS Form W-7 or W-9. They couldn't penalize you for the use  
34 of this property if it WASN'T THEIRS.

35 If you want to avoid all the above presumptions being employed against you in connection with compelled use of Social  
36 Security Numbers, we recommend the following form be attached to ALL IRS forms you are compelled to fill out and  
37 submit:

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

38 **7.4 Disassociating yourself from the "straw man" on the record of the proceeding**

39 If you become involved in litigation as an unwitting surety for the public officer "straw man" in a federal court, some  
40 techniques we recommend for exposing the existence of the straw man and the fact that you don't consent to become surety  
41 for him is to:

- 42 1. Demand the following on the record of the proceeding pursuant to the Declaratory Judgments Act, 28 U.S.C. §2201:
  - 43 1.1. That the court issue a declaratory judgment indicating whether the Defendant or Respondent is a "public officer"  
44 as described in F.R.Civ.P. 17(d).
  - 45 1.2. That the court issue a declaratory judgment indicating whether the action is "in rem" or "in personam". Tell the  
46 court that if the action is "in rem", ask them to declare whether it is against a public office or the "account"  
47 established by the franchisee license number.
- 48 2. Indicate that you do not lawfully participate in any government franchise under penalty of perjury, and name every  
49 franchise you can think of.

1 3. Clearly identify your citizenship, domicile, and tax status to place your legal domicile outside of the civil jurisdiction  
2 of the court using the following form. This will keep you disconnected from the domicile “protection franchise”:

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

3 4. Prevent abuse of presumptions and “words of art” to connect you to all franchises using the following:

*Rules of Presumption and Statutory Interpretation*, Litigation Tool #10.003  
<http://sedm.org/Litigation/LitIndex.htm>

4 5. Not cite any provision from any of the following franchise agreements. All you do by citing the provisions of private  
5 contract law is prove that you are subject to it, which is a NO NO.

6 5.1. Internal Revenue Code, Subtitle A “trade or business” franchise agreement.

7 5.2. Social Security Act, Title 42, Chapter 7.

8 5.3. The motor vehicle code in your state.

9 6. Provide proof on the record of the proceeding that you aren’t eligible to participate, such as the following:

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

10 7. Rebut all evidence that might connect you to any federal franchise, such as:

11 7.1. Identifying numbers.

12 7.2. Information returns, such as IRS Forms W-2, 1042-s, 1098, and 1099.

13 7.3. Government “benefits” applications filed by others.

14 8. Provide an affidavit of duress indicating you do not consent to participate in any franchise or receive the benefit of any  
15 franchise and that you are being compelled against your will to do so. See, for instance:

*Why It is Illegal for Me to Request or Use a Taxpayer Identification Number*, Form #04.022  
<http://sedm.org/Forms/FormIndex.htm>

16 If you don’t do all of the above, then the courts will prejudicially and usually unconstitutionally presume all the following  
17 about you:

18 1. You fit one of the following two categories under F.R.Civ.P. 17(b):

19 1.1. You maintain a domicile on federal territory within the district. . .OR

20 1.2. You are engaged in federal franchises and therefore acting in the capacity of the “Public Officer” mentioned in  
21 F.R.Civ.P. 17(d).

22 2. You are a “public officer” within the government.

23 3. You are partaking of a “public right” and statutory “privilege”.

24 4. You are not protected by the constitution, but only have such “public rights” as Congress confers by statute.

25 5. You consented to participate in the franchise because you didn’t indicate duress or rebut the evidence connecting you  
26 to the franchise.

## 27 **7.5 Affect of representing the “straw man” on your standing**

28 The most important affect of partaking in a franchise or public right upon your standing in federal court is that you are  
29 effectively signing a blank check because:

30 1. The government grantor of the franchise can change the terms of the franchise agreement at any time without notice to  
31 you.

32 2. The franchise agreement often determines choice of law and frequently even dictates the forum in which disputes must  
33 be litigated. The I.R.C. Subtitle A franchise agreement for franchisees called “taxpayers”, for instance, says that the  
34 forum that disputes are litigated under is the District of Columbia. See 26 U.S.C. §§7701(a)(39) and 7408(d).

35 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701  
36 [§ 7701. Definitions](#)

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

39 (39) Persons residing outside United States

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

4 (A) jurisdiction of courts, or

5 (B) enforcement of summons  
6

7 TITLE 26 > Subtitle F > CHAPTER 76 > Subchapter A > § 7408  
8 § 7408. Actions to enjoin specified conduct related to tax shelters and reportable transactions

9 (d) Citizens and residents outside the United States

10 If any citizen or resident of the United States does not reside in, and does not have his principal place of  
11 business in, any United States judicial district, such citizen or resident **shall be treated for purposes of this**  
12 **section as residing in the District of Columbia.**

13 3. Through the franchise agreement, you can even sign away ALL your rights to have ANY remedy in ANY court of law.

14 **"These general rules are well settled: (1) That the United States, when it creates rights in individuals against**  
15 **itself [a "public right", which is a euphemism for a "franchise" to help the court disguise the nature of the**  
16 **transaction], is under no obligation to provide a remedy through the courts. United States ex rel. Dunlap v.**  
17 **Black, 128 U.S. 40, 9 Sup. Ct. 12, 32 L.Ed. 354; Ex parte Atocha, 17 Wall. 439, 21 L.Ed. 696; Gordon v.**  
18 **United States, 7 Wall. 188, 195, 19 L.Ed. 35; De Groot v. United States, 5 Wall. 419, 431, 433, 18 L.Ed. 700;**  
19 **Comegys v. Vasse, 1 Pet. 193, 212, 7 L.Ed. 108. (2) That where a statute creates a right and provides a**  
20 **special remedy, that remedy is exclusive. Wilder Manufacturing Co. v. Corn Products Co., 236 U.S. 165, 174,**  
21 **175, 35 Sup. Ct. 398, 59 L.Ed. 520, Ann. Cas. 1916A, 118; Arnson v. Murphy, 109 U.S. 238, 3 Sup. Ct. 184, 27**  
22 **L.Ed. 920; Barnet v. National Bank, 98 U.S. 555, 558, 25 L.Ed. 212; Farmers' & Mechanics' National Bank v.**  
23 **Dearing, 91 U.S. 29, 35, 23 L.Ed. 196. Still the fact that the right and the remedy are thus intertwined might**  
24 **not, if the provision stood alone, require us to hold that the remedy expressly given excludes a right of review by**  
25 **the Court of Claims, where the decision of the special tribunal involved no disputed question of fact and the**  
26 **denial of compensation was rested wholly upon the construction of the act. See Medbury v. United States, 173**  
27 **U.S. 492, 198, 19 Sup. Ct. 503, 43 L.Ed. 779; Parish v. MacVeagh, 214 U.S. 124, 29 Sup. Ct. 556, 53 L.Ed.**  
28 **936; McLean v. United States, 226 U.S. 374, 33 Sup. Ct. 122, 57 L.Ed. 260; United States v. Laughlin (No.**  
29 **200), 249 U.S. 440, 39 Sup. Ct. 340, 63 L.Ed. 696, decided April 14, 1919. But here Congress has provided:**  
30 **[U.S. v. Babcock, 250 U.S. 328, 39 S.Ct. 464 (1919)]**

31 The list above is the reason why both the Founding Fathers and the Bible says you should MUST avoid franchises at all  
32 costs:

33 **Take heed to yourself, lest you make a covenant [contract or franchise] with the inhabitants of the land**  
34 **where you are going, lest it be a snare in your midst. But you shall destroy their altars, break their sacred**  
35 **pillars, and cut down their wooden images (for you shall worship no other god, for the LORD, whose name**  
36 **is Jealous, is a jealous God), lest you make a covenant [engage in a franchise, contract, or agreement] with**  
37 **the inhabitants of the land, and they play the harlot with their gods [pagan government judges and rulers]**  
38 **and make sacrifice [YOU and your RIGHTS!] to their gods, and one of them invites you and you eat of his**  
39 **sacrifice, and you take of his daughters for your sons, and his daughters play the harlot with their gods and**  
40 **make your sons play the harlot with their gods.**  
41 **[Exodus 34:10-16, Bible, NKJV]**

42 The “gods” referred to above are the “parens patriae” that you nominate to be your ruler whenever you sign up for a  
43 franchise.

44 “The more you want [privileges], the more the world can hurt you.”  
45 [Confucius]

46 “The proposition is that **the United States, as the grantor of the franchises of the company, the author of its**  
47 **charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee,**  
48 **invested with power to enforce the proper use of the property and franchises granted for the benefit of the**  
49 **public.”**  
50 **[U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]**  
51

52 PARENS PATRIAE. Father of his country; parent of the country. In England, **the king**. In the United States, the  
53 state, as a sovereign-**referring to the sovereign power of guardianship over persons under disability**; In re

1 Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent  
2 persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.  
3 [Black's Law Dictionary, Sixth Edition, p. 1269]

4 Here is what the Founding Fathers also said about avoiding participation in government franchises:

5 "My ardent desire is, and my aim has been...to comply strictly with all our engagements foreign and domestic;  
6 **but to keep the United States free from political connections with every other Country. To see that they may**  
7 **be independent of all, and under the influence of none. In a word, I want an American character, that the**  
8 **powers of Europe may be convinced we act for ourselves and not for others** [as contractors, franchisees, or  
9 "public officers"]; this, in my judgment, is the only way to be respected abroad and happy at home."  
10 [George Washington, (letter to Patrick Henry, 9 October 1775);  
11 Reference: The Writings of George Washington, Fitzpatrick, ed., vol. 34 (335)]

12 "About to enter, fellow citizens, on the exercise of duties which comprehend everything dear and valuable to  
13 you, it is proper that you should understand what I deem the essential principles of our government, and  
14 consequently those which ought to shape its administration. I will compress them within the narrowest compass  
15 they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of  
16 whatever state or persuasion, religious or political; **peace, commerce, and honest friendship with all nations**  
17 **— entangling alliances [contracts, treaties, franchises] with none."**  
18 [Thomas Jefferson, First Inaugural Address, March 4, 1801]

## 19 **7.6 Investigating further**

20 Lastly, if you would like to see all of the affects that franchises have upon your rights as a person filling the shoes of the  
21 "straw man" in court litigation, then we recommend the following:

- 22 1. Government Instituted Slavery Using Franchises, Form #05.030, Sections 12 to 12.5.  
23 <http://sedm.org/Forms/FormIndex.htm>
- 24 2. Federal Jurisdiction, Form #05.018, Sections 3 through 3.7.  
25 <http://sedm.org/Forms/FormIndex.htm>

## 26 **8 Legal Requirements for Occupying a "Public Office"**

27 The subject of exactly what constitutes a "public office" within the meaning described in 26 U.S.C. §7701(a)(26) is not  
28 defined in any IRS publication we could find. The reason is quite clear: the "trade or business" scam is the Achilles heal of  
29 the IRS fraud and both the IRS and the Courts are loath to even talk about it because there is nothing they can defend  
30 themselves with other than unsubstantiated presumption created by the abuse of the word "includes" and certain key "words  
31 of art". Therefore, those who want to know how they could lawfully be classified as a "public office" will have to answer  
32 that question completely on their own, which is what we will attempt to do in this section.

33 We begin our search with a definition of "public office" from Black's Dictionary:

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

47 Black's Law Dictionary Sixth Edition further clarifies the meaning of a "public office" below:

48 "Essential characteristics of a 'public office' are:  
49 (1) Authority conferred by law,  
50 (2) Fixed tenure of office, and  
51 (3) Power to exercise some of the sovereign functions of government.

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### **Proof that There Is a "Straw man"**

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Form 05.042, Rev. 6-2-2008

83 of 109

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

1  
2 Key element of such test is that "officer is carrying out a sovereign function. *Spring v. Constantino*, 168 Conn.  
3 563, 362 A.2d 871, 875. Essential elements to establish public position as 'public office' are:  
4 Position must be created by Constitution, legislature, or through authority conferred by legislature.  
5 Portion of sovereign power of government must be delegated to position,  
6 Duties and powers must be defined, directly or implied, by legislature or through legislative authority.  
7 Duties must be performed independently without control of superior power other than law, and  
8 Position must have some permanency."  
9 [Black's Law Dictionary, Sixth Edition, p. 1230]

10 American Jurisprudence Legal Encyclopedia further clarifies what a "public office" is as follows:

11 "As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be  
12 exercised in behalf of the government or of all citizens who may need the intervention of the officer.<sup>44</sup>  
13 **Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level**  
14 **of government, and whatever be their private vocations, are trustees of the people, and accordingly labor**  
15 **under every disability and prohibition imposed by law upon trustees relative to the making of personal**  
16 **financial gain from a discharge of their trusts.**<sup>45</sup> **That is, a public officer occupies a fiduciary relationship**  
17 **to the political entity on whose behalf he or she serves,**<sup>46</sup> **and owes a fiduciary duty to the public.**<sup>47</sup> **It has**  
18 **been said that the fiduciary responsibilities of a public officer cannot be less than those of a private**  
19 **individual.**<sup>48</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends  
20 to weaken public confidence and undermine the sense of security for individual rights is against public  
21 policy.<sup>49</sup>"  
22 [63C Am.Jur.2d, Public Officers and Employees, §247]

23 Based on the foregoing, one cannot be a "public officer" if:

- 24 1. There is not a statute or constitutional authority that specifically creates the office. All "public offices" can only be  
25 created through legislative authority.
- 26 2. Their duties are not specifically and exactly enumerated in some Act of Congress.
- 27 3. They have a boss or immediate supervisor. All duties must be performed INDEPENDENTLY.
- 28 4. They have anyone but the law and the courts to immediately supervise their activities.
- 29 5. They are serving as a "public officer" in a location NOT specifically authorized by the law. The law must create the  
30 office and specify exactly where it is to be exercised. 4 U.S.C. §72 says ALL public offices of the federal and national  
31 government MUST be exercised ONLY in the District of Columbia and not elsewhere, except as expressly provided by  
32 law.
- 33 6. Their position does not carry with it some kind of fiduciary duty to the "public" which in turn is documented in and  
34 enforced by enacted law itself.
- 35 7. The beneficiary of their fiduciary duty is other than the "public". Public service is a public trust, and the beneficiary of  
36 the trust is the public at large and not any one specific individual or group of individuals. See 5 CFR §2635.101(b) and  
37 Executive Order 12731.

38 All public officers must take an oath. The oath, in fact, is what creates the fiduciary duty that attaches to the office. This is  
39 confirmed by the definition of "public official" in Black's Law Dictionary:

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<sup>44</sup> State ex rel. Nagle v. Sullivan, 98 Mont 425, 40P.2d. 995, 99 ALR 321; Jersey City v. Hague, 18 NJ 584, 115 A2d 8.

<sup>45</sup> Georgia Dep't of Human Resources v. Sistrunk, 249 Ga 543, 291 SE2d 524. A public official is held in public trust. Madlener v. Finley (1st Dist) 161 Ill App 3d 796, 113 Ill Dec 712, 515 NE2d 697, app gr 117 Ill Dec 226, 520 NE2d 387 and revd on other grounds 128 Ill 2d 147, 131 Ill Dec 145, 538 NE2d 520.

<sup>46</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill 2d 555, 37 Ill Dec 291, 402 NE2d 181, appeal after remand (1st Dist) 107 Ill App 3d 222, 63 Ill Dec 134, 437 NE2d 783.

<sup>47</sup> United States v. Holzer (CA7 Ill) 816 F2d 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F2d 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F2d 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F2d 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed Rules Evid Serv 1223).

<sup>48</sup> Chicago ex rel. Cohen v. Keane, 64 Ill 2d 559, 2 Ill Dec 285, 357 NE2d 452, later proceeding (1st Dist) 105 Ill App 3d 298, 61 Ill Dec 172, 434 NE2d 325.

<sup>49</sup> Indiana State Ethics Comm'n v. Nelson (Ind App) 656 NE2d 1172, reh gr (Ind App) 659 NE2d 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

1 A person who, upon being issued a commission, taking required oath, enters upon, for a fixed tenure, a position called an  
2 office where he or she exercises in his or her own right some of the attributes of sovereign he or she serves for benefit of  
3 public. *Macy v. Heverin*, 44 Md.App. 358, 408 A.2d 1067, 1069. The holder of a public office though not all persons in  
4 public employment are public officials, because public official's position requires the exercise of some portion of the  
5 sovereign power, whether great or small. *Town of Arlington v. Bds. of Conciliation and Arbitration*, Mass., 352 N.E.2d  
6 914.

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

8 The oath for United States federal and state officials was prescribed in the very first enactment of Congress on March 4,  
9 1789 as follows:

10 Statutes at Large, March 4, 1789  
11 1 Stat. 23-24

12 SEC. 1. Be it enacted by the Senate and [Home of] Representatives of the United States of America in Congress assembled,  
13 That the oath or affirmation required by the sixth article of the Constitution of the United States, shall be administered in  
14 the form following, to wit : " I, A, B. do solemnly swear or affirm (as the case may be) that I will support the Constitution  
15 of the United States." The said oath or affirmation shall be administered within three days after the passing of this act, by  
16 any one member of the Senate, to the President of the Senate, and by him to all the members and to the secretary; and by  
17 the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular  
18 resolution of the said House, and to the clerk: and in case of the absence of any member from the service of either House,  
19 at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he  
20 shall appear to take his seat.

21 SEC. 2. And he it further enacted, That at the first session of Congress after every general election of Representatives, the  
22 oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker;  
23 and by him to all the members present, and to the clerk, previous to entering on any other business; and to the members  
24 who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also  
25 administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: and  
26 in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be  
27 administered to him by any one of the members of the Senate.

28 SEC. 3. And be it further enacted. That the members of the several State legislatures, at the next sessions of the said  
29 legislatures, respectively, and all executive and judicial officers of the several States, who have been heretofore chosen  
30 or appointed, or who shall be chosen or appointed before the first day of August next, and who shall then be in office,  
31 shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which  
32 may be administered by any person authorized by the law of the State, in which such office shall be holden, to administer  
33 oaths. And the members of the several State legislatures, and all executive and judicial officers of the several States, who  
34 shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their  
35 respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the  
36 law of the State shall be authorized to administer the oath of office; and the person or persons so administering the oath  
37 hereby required to be taken, shall cause a re- cord or certificate thereof to be made, in the same manner, as, by the law of  
38 the State, he or they shall be directed to record or certify the oath of office.

39 SEC. 4. And he it further enacted, That all officers appointed, or hereafter to be appointed under the authority of the  
40 United States, shall, before they act in their respective offices, take the same oath or affirmation, which shall be  
41 administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths  
42 of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in  
43 taking their respective oaths of office.

44 SEC. 5. And be it further enacted, That the secretary of the Senate, and the clerk of the House of Representatives for the  
45 time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation in the words  
46 following, to wit : "I, A. B. secretary of the Senate, or clerk of the House of Representatives (as the case may be) of the  
47 United States of America, do solemnly swear or affirm, that I will truly and faithfully discharge the duties of my said office,  
48 to the best of my knowledge and abilities."

49 Based on the above, the following persons within the government are "public officers":

- 50 1. Federal Officers:
  - 51 1.1. The President of the United States.
  - 52 1.2. Members of the House of Representatives.
  - 53 1.3. Members of the Senate.
  - 54 1.4. All appointed by the President of the United States.
  - 55 1.5. The secretary of the Senate.
  - 56 1.6. The clerk of the House of Representatives.
  - 57 1.7. All district, circuit, and supreme court justices.

- 1 2. State Officers:
- 2 2.1. The governor of the state.
- 3 2.2. Members of the House of Representatives.
- 4 2.3. Members of the Senate.
- 5 2.4. All district, circuit, and supreme court justices of the state.

6 The “public offices” described in 26 U.S.C. §7701(a)(26) within the definition of “trade or business” are ONLY public  
7 offices located in the District of Columbia and not elsewhere. To wit:

8 [TITLE 4 > CHAPTER 3 > § 72](#)  
9 [§ 72. Public offices; at seat of Government](#)

10 *All offices attached to the seat of government shall be exercised in the District of Columbia, and not elsewhere,*  
11 *except as otherwise expressly provided by law.*  
12 [SOURCE: [http://www4.law.cornell.edu/uscode/html/uscode04/usc\\_sec\\_04\\_00000072----000-.html](http://www4.law.cornell.edu/uscode/html/uscode04/usc_sec_04_00000072----000-.html)]

13 The only provision of any act of Congress that we have been able to find which authorizes “public offices” outside the  
14 District of Columbia as expressly required by law above, is 48 U.S.C. §1612, which authorizes enforcement of the Internal  
15 Revenue Code within the U.S. Virgin Islands. To wit:

16 [TITLE 48 > CHAPTER 12 > SUBCHAPTER V > § 1612](#)  
17 [§ 1612. Jurisdiction of District Court](#)

18 (a) Jurisdiction

19 *The District Court of the Virgin Islands shall have the jurisdiction of a District Court of the United States,*  
20 *including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28 and that of a*  
21 *bankruptcy court of the United States. **The District Court of the Virgin Islands shall have exclusive***  
22 ***jurisdiction over all criminal and civil proceedings in the Virgin Islands with respect to the income tax laws***  
23 ***applicable to the Virgin Islands, regardless of the degree of the offense or of the amount involved, except the***  
24 ***ancillary laws relating to the income tax enacted by the legislature of the Virgin Islands.** Any act or failure to*  
25 *act with respect to the income tax laws applicable to the Virgin Islands which would constitute a criminal*  
26 *offense described in chapter 75 of subtitle F of title 26 shall constitute an offense against the government of the*  
27 *Virgin Islands and may be prosecuted in the name of the government of the Virgin Islands by the appropriate*  
28 *officers thereof in the District Court of the Virgin Islands without the request or the consent of the United States*  
29 *attorney for the Virgin Islands, notwithstanding the provisions of section 1617 of this title.*

30 There is NO PROVISION OF LAW which would similarly extend public offices or jurisdiction to enforce any provision of  
31 the Internal Revenue Code to any place within the exclusive jurisdiction of any state of the Union, because Congress enjoys  
32 NO LEGISLATIVE JURISDICTION THERE.

33 *“It is no longer open to question that **the general government, unlike the states,** Hammer v. Dagenhart, 247*  
34 *[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***  
35 ***internal affairs of the states; and emphatically not with regard to legislation.**”*  
36 [Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

37 *“The difficulties arising out of our dual form of government and the opportunities for differing opinions*  
38 *concerning the relative rights of state and national governments are many; **but for a very long time this court***  
39 ***has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or***  
40 ***their political subdivisions.** The same basic reasoning which leads to that conclusion, we think, requires like*  
41 *limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”*  
42 [Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

43 By law then, no “public office” may therefore be exercised OUTSIDE the District of Columbia except as “expressly  
44 provided by law”, including privileged or licensed activities such as a “trade or business”. This was also confirmed by the  
45 U.S. Supreme Court in the License Tax Cases, when they said:

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.*

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

## 13 **9 How most people are fraudulently deceived into thinking they are the Straw** 14 **Man**

15 “[J]udicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace  
16 our government of laws with a judicial oligarchy.”  
17 [*Senator Sam Ervin, of Watergate Hearing fame*]

18 “The wicked man does deceptive work,  
19 But to him who sows righteousness will be a sure reward.  
20 As righteousness leads to life,  
21 So he who pursues evil pursues his own death.  
22 Those who are of a perverse heart are an abomination to the Lord,  
23 But such as are blameless in their ways are a delight.  
24 Though they join forces, the wicked will not go unpunished;  
25 But the posterity of the righteous will be delivered.”  
26 [*Prov. 11:18-21, Bible, NKJV*]

27 “Integrity without knowledge is weak and useless, and knowledge without integrity is dangerous and dreadful.”  
28 [*Samuel Johnson Rasselas, 1759*]

29 “Beware lest anyone cheat you through philosophy and empty deceit, according to the tradition of men,  
30 according to the basic principles of the world, and not according to Christ.”  
31 [*Colossians 2:8, Bible, NKJV*]

32 Deceptive “word of art” definitions within the Internal Revenue Code are the main vehicle for deceiving most people that  
33 they are the “public officer”, “person”, “individual”, or straw man that is the subject of government statutes.

34 “WORDS OF ART. The vocabulary or terminology of a particular art or science, and especially those  
35 expressions which are idiomatic or peculiar to it. See *Cargill v. Thompson, 57 Minn. 534, 59 N.W. 638.*”  
36 [*Black’s Law Dictionary, Fourth Edition, p. 1779*]

37 The following “terms” form the heart of the deception:

- 38 1. “**United States**” as defined in 26 U.S.C. §7701(a)(9) and (a)(10). The District of Columbia. Nowhere within Internal  
39 Revenue Code, Subtitle A, the income tax, is there found a definition of the term “United States” that expressly  
40 includes any state of the Union.
- 41 2. “**State**” as defined in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d). A territory or possession of the United States and  
42 NOT a state of the Union. All states of the Union are “foreign” with respect to federal legislative jurisdiction.
- 43 3. “**trade or business**” as defined in 26 U.S.C. §7701(a)(26). A “public office” within the U.S. government.
- 44 4. “**employee**” as defined in 26 U.S.C. §3401(c ) and 26 CFR §31.3401(c )-1 and 26 U.S.C. §6331(a). A government  
45 “public officer” or instrumentality.
- 46 5. “**employer**” as defined in 26 U.S.C. §3401(d). A “person” who has “employees”.
- 47 6. “**income**” as defined in 26 U.S.C. §643(b). Means the earnings of a trust or estate and NOT a natural being.
- 48 7. “**individual**” as defined in 5 U.S.C. §552a(a)(2) and 26 CFR §1.1441-1(c )(3) . Means a person domiciled or resident  
49 on federal territory and not within the exclusive or general jurisdiction of any state of the Union.

1 Most people do not read the law, which means that they aren't aware of the above definitions. Those who take the time to  
2 read the law are usually met by the following downright fraudulent tactics by the government:

3 1. They are told that the definition employs the word "includes" and that this word authorizes them to add ANYTHING  
4 they want to the definition, including things that do not expressly appear in the law itself. This is HOGWASH!

5 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that  
6 term's ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory  
7 definition of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n.  
8 10 ("As a rule, a definition which declares what a term "means" . . . excludes any meaning that is not stated");  
9 *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S.  
10 87, 95-96 (1935) (*Cardozo, J.*); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* §  
11 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at  
12 998 [530 U.S. 943] (*THOMAS, J., dissenting*), leads the reader to a definition. That definition does not include  
13 the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the  
14 contrary."  
15 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

16 "Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that the expression of one  
17 thing is the exclusion of another. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d 321, 325; *Newblock v. Bowles*,  
18 170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. When certain persons  
19 or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be  
20 inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
21 of a certain provision, other exceptions or effects are excluded."  
22 [*Black's Law Dictionary, Sixth Edition, p. 581*]

23 2. If they are in court and cite the statutory definition, the opposing government attorney will say:

24 "Objection: Calls for a legal conclusion."

25 This too is hogwash, because in the context of a tax trial, the Declaratory Judgments Act, 28 U.S.C. §2201(a) forbids  
26 the judge or the government in general from making such a declaration of fact.

27 3. They will rely upon an expert or government employee. The ONLY thing upon which one can rely is the law in a  
28 society of law and not men.

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

33 3.1. All that federal prosecutors and judges prove by parading "men" in front of the jury instead of reading the law  
34 itself is that they want to destroy the very foundation of our rights and liberty in this country, which is the rule of  
35 law, and replace it with an imperial judicial monarchy of men. The result is that they turn our country into what  
36 God calls "an abomination".

37 "One who turns his ear from hearing the law [[God's law](#) or [man's law](#)], even his prayer is an abomination."  
38 [[Prov. 28:9](#), Bible, NKJV]

39 "But this crowd that does not know [and quote and follow and use] the law is accursed."  
40 [[John 7:49](#), Bible, NKJV]

41 "Salvation is far from the wicked, For they do not seek Your [God's] statutes."  
42 [[Psalms 119:155](#), Bible, NKJV]

43 3.2. No amount of grandstanding and salesmanship by an "expert" can add ANYTHING to the definitions clearly  
44 appearing in the statutes. The courts cannot WRITE law, which means that they can't ADD to what appears in  
45 the law in order to enlarge their jurisdiction. It is a violation of the separation of powers for a court to write or  
46 rewrite law. The making of law is a political question and courts may not lawfully entertain political questions.  
47 Bringing experts in to write or rewrite or extend the law simply turns the court into a perpetual constitutional  
48 convention or legislative body that subjectively decides what THEY and not the Sovereign People want. Below  
49 is what the U.S. Supreme Court ruled on this important question:

1 *But, fortunately for our freedom from political excitements in judicial duties, this court can never with*  
2 *propriety be called on officially to be the umpire in questions merely political. The adjustment of these*  
3 *questions belongs to the people and their political representatives, either in the State or general government.*  
4 *These questions relate to matters not to be settled on strict legal principles. They are adjusted rather by*  
5 *inclination, or prejudice or compromise, often. Some of them succeed or are defeated even by public policy*  
6 *alone, or mere naked power, rather than intrinsic right. There being so different tastes as well as opinions in*  
7 *politics, and especially in forming constitutions, some people prefer foreign models, some domestic, and some*  
8 *neither, while judges, on the contrary, for their guides, have fixed constitutions and laws, given to them by*  
9 *others and not provided by themselves. And those others are no more Locke than an Abbe Sieyes, but the*  
10 *people. Judges, for constitutions, must go to the people of their own country, and must [48 U.S. 52] merely*  
11 *enforce such as the people themselves, whose judicial servants they are, have been pleased to put into*  
12 *operation.*

13 *Another evil, alarming and little foreseen, involved in regarding these as questions for the final arbitrament*  
14 *of judges would be that, in such an event, all political privileges and rights would, in a dispute among the*  
15 *people, depend on our decision finally. We would possess the power to decide against, as well as for, them,*  
16 *and, under a prejudiced or arbitrary judiciary, the public liberties and popular privileges might thus be much*  
17 *perverted, if not entirely prostrated.* But, allowing the people to make constitutions and unmake them, allowing  
18 their representatives to make laws and unmake them, and without our interference as to their principles or  
19 policy in doing it, yet, when constitutions and laws are made and put in force by others, then the courts, as  
20 empowered by the State or the Union, commence their functions and may decide on the rights which conflicting  
21 parties can legally set up under them, rather than about their formation itself. *Our power begins after theirs*  
22 *ends. Constitutions and laws precede the judiciary, and we act only under and after them, and as to disputed*  
23 *rights beneath them, rather than disputed points in making them. We speak what is the law, jus dicere, we*  
24 *speak or construe what is the constitution, after both are made, but we make, or revise, or control neither.*  
25 *The disputed rights beneath constitutions already made are to be governed by precedents, by sound legal*  
26 *principles, by positive legislation, clear contracts, moral duties, and fixed rules; they are per se questions of*  
27 *law, and are well suited to the education and habits of the bench.* But the other disputed points in making  
28 constitutions, depending often, as before shown, on policy, inclination, popular resolves and popular will and  
29 arising not in respect to private rights, not what is meum and tuum, but in relation to politics, they belong to  
30 politics, and they are settled by political tribunals, and are too dear to a people bred in the school of Sydney  
31 and Russel for them ever to intrust their final decision, when disputed, to a class of men who are so far removed  
32 from them as the judiciary, a class also who might decide them erroneously, as well as right, and if in the  
33 former way, *the consequences might not be able to be averted except by a revolution, while a wrong decision*  
34 *by a political forum can often be peacefully corrected by new elections or instructions in a single month; and*  
35 *if the people, in the distribution of powers under the constitution, should ever think of making judges*  
36 *supreme arbiters in political controversies when not selected by nor, frequently, amenable to them nor at*  
37 *liberty to follow such various considerations in their judgments as [48 U.S. 53] belong to mere political*  
38 *questions, they will dethrone themselves and lose one of their own invaluable birthrights; building up in this*  
39 *way -- slowly, but surely -- a new sovereign power in the republic, in most respects irresponsible and*  
40 *unchangeable for life, and one more dangerous, in theory at least, than the worst elective oligarchy in the*  
41 *worst of times.* Again, instead of controlling the people in political affairs, *the judiciary in our system was*  
42 *designed rather to control individuals, on the one hand, when encroaching, or to defend them, on the other,*  
43 *under the Constitution and the laws, when they are encroached upon.* And if the judiciary at times seems to  
44 fill the important station of a check in the government, it is rather a check on the legislature, who may attempt  
45 to pass laws contrary to the Constitution, or on the executive, who may violate both the laws and Constitution,  
46 than on the people themselves in their primary capacity as makers and amenders of constitutions.  
47 [[Luther v. Borden, 48 U.S. 1 \(1849\)](#)]

48 4. They will cite an IRS publication, which the IRS itself says is untrustworthy.

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

52 Below are some of the most prevalent mistakes that people make who allow themselves to be deceived into "volunteering"  
53 (e.g. "voluntary compliance") to represent the straw man as a public officer or government employee without compensation  
54 using words of art:

- 55 1. They will PRESUME that the terms used on government forms have their ordinary meaning instead of the meaning  
56 defined in the law itself.
- 57 2. They will PRESUME that the word "United States" as used in federal statutes includes any part of the exclusive  
58 jurisdiction of a state.
- 59 3. They will not even realize that they are making presumptions and not question or investigate what they read on  
60 government forms or in government publications.
- 61 4. They do not realize that all presumptions which impair constitutionally protected rights are a tort and are impermissible  
62 in any court of law.

1 (1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be  
2 defeated where its application would impair a party's constitutionally-protected liberty or property interests. In  
3 such cases, conclusive presumptions have been held to violate a party's due process and equal protection  
4 rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct 2230, 2235; Cleveland Bd. of Ed. v. LaFleur  
5 (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are  
6 unfit violates process]  
7 [Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]

- 8 5. They will look at the word “individual” and PRESUME that it means them. All terms within federal law, according to  
9 the courts themselves, are to be construed as limited to the place where the government has general legislative powers.  
10 The federal government DOES NOT have general jurisdiction within states of the Union because of the separation of  
11 powers doctrine:

12 “The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be  
13 confined in its operation and effect to the territorial limits over which the lawmaker has general and  
14 legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L. R. 12 Ch. Div. 522, 528; State  
15 v. Carter, 27 N. J. L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such  
16 as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of  
17 course, to mean only everyone subject to such legislation, not all that the legislator subsequently may be able  
18 to catch [E.G. DECEIVE]. In the case of the present statute, the improbability of the United States attempting  
19 to make acts done in Panama or Costa Rica criminal is obvious, yet the law begins by making criminal the acts  
20 for which it gives a right to sue. We think it entirely plain that what the defendant did in Panama or Costa Rica  
21 is not within the scope of the statute so far as the present suit is concerned. Other objections of a serious nature  
22 are urged, but need not be discussed.”  
23 [American Banana Co. v. U.S. Fruit, 213 U.S. 347 at 357-358]

24 “It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247  
25 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  
26 internal affairs of the states; and emphatically not with regard to legislation.”  
27 [Carter v. Carter Coal Co., 298 U.S. 238, 56 S.Ct. 855 (1936)]

28 “The difficulties arising out of our dual form of government and the opportunities for differing opinions  
29 concerning the relative rights of state and national governments are many; but for a very long time this court  
30 has steadfastly adhered to the doctrine that the taxing power of Congress does not extend to the states or  
31 their political subdivisions. The same basic reasoning which leads to that conclusion, we think, requires like  
32 limitation upon the power which springs from the bankruptcy clause. United States v. Butler, supra.”  
33 [Ashton v. Cameron County Water Improvement District No. 1, 298 U.S. 513, 56 S.Ct. 892 (1936)]

34 All of the above PRESUMPTIONS are what lead to most of the evil, deceit, and slavery. The root of ALL of them is the  
35 love of YOUR money and stuff by politicians, who would sell their soul for the almighty dollar and the power that  
36 possessing it gives them over you:

37 “For the love of money is a root of all kinds of evil, for which some have strayed from the faith in their  
38 greediness, and pierced themselves through with many sorrows.”  
39 [1 Tim. 6:10, Bible, NKJV]

40 We have written an exhaustive legal memorandum which describes why presumption violates both God’s law, violates due  
41 process of law, and may not lawfully be employed against anyone protected by the United States Constitution.

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

42 If you would like to know more about how the craft of lawyers, which is words, is systematically abused to deliberately  
43 deceive, enslave, and injure people, and how to defend yourself against such dishonest tactics see:

- 44 1. Meaning of the Words “includes” and “including”, Form #05.014-proves that the purpose of law is to delegate  
45 authority, and that it cannot serve that essential function if the definition of words is left to the subjective discretion of  
46 a judge who is a “taxpayer”.  
47 <http://sedm.org/Forms/FormIndex.htm>  
48 2. Reasonable Belief About Income Tax Liability, Form #05.007-proves that everything a government prosecutor can or  
49 would rely on to rebut the definitions clearly shown in the Internal Revenue Code is UNTRUSTWORTHY according  
50 the courts themselves.  
51 <http://sedm.org/Forms/FormIndex.htm>

- 1 3. Great IRS Hoax, Sections 3.9.1 through 3.9.28, Form #11.007  
2 <http://sedm.org/Forms/FormIndex.htm>

### 3 **10 ALL CAPS NAME fallacies**

4 Many people in the freedom community claim that the “straw man” is represented by the all caps name that the government  
5 uses when they mail you notices and correspondence. An example of such rhetoric may be found on the web below:

Memorandum of Law on the Name  
<http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm>

6 We believe that those who take this position are simply mistaken and that they don’t understand that:

- 7 1. The straw man is a public officer in the government.  
8 2. The method of connecting one’s private property to the “straw man” is by using the license number assigned to the  
9 office, which is the Taxpayer Identification Number.

10 The measure of whether the all caps name means anything is whether the courts treat it as a criteria in a dispute. No one  
11 has ever shown us any proof that use of an all caps name in association with a natural being was a legitimate basis to  
12 determine whether the accused was engaged in a federal franchise or was engaged in the “trade or business” franchise.  
13 Until we see evidence that courts or government prosecutors actually make the all caps name into a criteria for convicting  
14 someone, using this argument is going to do nothing but make those who use it look STUPID in front of both a judge and a  
15 jury.

16 A better way to attack the straw man is simply to claim that any identifying number associated with you by the government:

- 17 1. Is not “yours”. 20 CFR §422.103(d) says it belongs to the government and not any private person. It is illegal and  
18 constitutes theft and embezzlement to use public property for a private use and you therefore can’t associate such  
19 public property with your private property without donating your private property to a public use to procure the  
20 benefits of a government franchise. The only one who can perform that donation is you WITH your informed consent.

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

- 30 2. If it is a Taxpayer Identification Number, cannot be yours because you are a nonresident alien and not an alien. IRS  
31 can only issue Taxpayer Identification Numbers to aliens, and so if they use a Social Security Number in place of a  
32 Taxpayer Identification Number, indirectly they are assuming you are an alien and you should vigorously rebut that  
33 presumption. See:  
34 2.1. About SSNs and TINs on Government Forms and Correspondence, Form #05.012  
35 <http://sedm.org/Forms/FormIndex.htm>  
36 2.2. Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?, Form #05.013  
37 <http://sedm.org/Forms/FormIndex.htm>  
38 3. May only be used in connection those engaging in the “trade or business” or “public office” franchise. This is  
39 confirmed by IRS Form 1042-s Instructions.

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

41 *You must obtain a U.S. taxpayer identification number (TIN) for:*

- Any recipient whose income is effectively connected with the **conduct of a trade or business [public office pursuant to 26 U.S.C. §7701(a)(26)]** in the United States.  
*Note.* For these recipients, exemption code 01 should be entered in box 6.

[...]

If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must include the TIN on Form 1042-S.  
[IRS Form 1042s Instructions, Year 2006, p. 14]

If you would like to know more about why the all caps name is not a legitimate defense in court, see section 7.1 of the following:

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

## **11 Lawfully Avoiding the Duties of the Straw Man**

### **11.1 Resignation of Compelled Social Security Trustee**

The following form provides government approved procedures and tools for lawfully terminating Social Security participation and thereby restoring your status as a private person.

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

After you terminated unlawful participation in Social Security, there may be occasions where you need to prove to people that you don't qualify to participate. This will prevent them from demanding or insisting that you use a Social Security Number. We have prepared a form for this use available below:

*Why You Aren't Eligible for Social Security*, Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>

### **11.2 IRS Form 56**

IRS Form 56 is the only approved method by which one may specify the existence of a fiduciary relationship between the "public office"/ "trade or business" franchise and a specific person. You can find instructions for preparing IRS Form 56 form our website at the address below:

*About IRS Form 56*, Form #04.010  
<http://sedm.org/Forms/FormIndex.htm>

The IRS Form 56, for instance, is used with the Resignation of Compelled Social Security Trustee, Form #06.002 form mentioned in the previous section and is filled out with the name and address of the Commissioner of Social Security as the fiduciary for the number. This is done, for instance, because 20 CFR §422.103(d) says the number belongs not to you, but to the government. Therefore, the government and not you must be liable for all the obligations associated with THEIR property. The Resignation of Compelled Social Security Trustee form also says that if they want to hire you as the person responsible for the liabilities associated with this government property, then the compensation you demand is all the tax and penalty liability therein associated plus \$1,000 per hour above and beyond that for your services as a "public officer".

Remember, anyone who wants you to take custody of and responsibility for government property is making an offer of employment to you. Even the U.S. Supreme Court has recognized that YOU, and not THEM, have the right to determine the amount of compensation you will work for. If they won't accept the terms of your counter-offer, then the relationship is non-binding.

1 **11.3 “Delegation of Authority Order from God to Christians” Form**

2 The following form on our website provides a powerful tool you can use to avoid being compelled to accept the duties of  
3 the straw man. It proves that the Bible forbids Christians to enter into any government contracts, franchises, or licenses or  
4 conduct any kind of commerce with the government. Consequently, you as a Christian have no delegated authority from  
5 God to consent to such contracts, franchises, or agreements. Therefore, all such methods of enslaving you may not be  
6 enforced because executed without delegated authority:

Delegation of Authority Order from God to Christians, Form #10.008  
<http://sedm.org/Forms/FormIndex.htm>

7 A good example of the use of the above document is Section 7 of the following form entitled “Constraints on the Delegated  
8 Authority of the Submitter In Re Government”, in which the Submitter, who is a Christian, alleges that they have no  
9 delegated authority to engage in government franchises such as the “trade or business” franchise. If you use this document  
10 to attach to all tax forms you are compelled to sign or submit and then invoke the protections of the Religious Freedom  
11 Restoration Act RFRA, the government will bet toast if you get them in court:

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

12 **11.4 “Why It is Illegal for Me to Request or Use a Taxpayer Identification Number” Form**

13 Those you do business with frequently will demand a Taxpayer Identification Number before they will contract with you.  
14 In nearly all cases, the use of such a number is ILLEGAL and if you could prove that to them, they would stop asking for  
15 the STINKING number that attaches to the “straw man” and the “public office”. We have prepared the following form that  
16 you can use to prove with evidence that you aren’t eligible for a Taxpayer Identification Number.

*Why It is Illegal for Me to Request or Use a Taxpayer Identification Number*, Form #04.022  
<http://sedm.org/Forms/FormIndex.htm>

17 **11.5 Liening the Straw Man so he can’t do you any harm**

18 The following document shows you how to lien the straw man so that he can’t threaten or obligate the natural being:

*U.C.C. Security Agreement, Form #14.002*  
<http://sedm.org/Forms/FormIndex.htm>

19 **12 Conclusions**

20 We will now succinctly summarize everything that we have learned in this short memorandum of law in order to emphasize  
21 the important points:

- 22 1. What people call the “straw man” is real. It is recognized in the legal dictionary, in fact.  
23 2. Three requirements must be met in order for a “straw man” to lawfully exist:  
24 2.1. A commercial transaction involving real or personal property.  
25 2.2. Agency of one or more persons on behalf of an artificial entity who accomplish the commercial transaction.  
26 2.3. Property being acquired by a party that otherwise is not allowed or not lawful.  
27 3. The government had to create the straw man because without it, nearly everyone would be entirely beyond their reach  
28 as a *private person* and a sovereign. The ability to regulate private conduct, in fact, is “repugnant to the constitution”,  
29 according to the U.S. Supreme Court. [City of Boerne v. Florez, Archbishop of San Antonio, 521 U.S. 507 \(1997\)](#). The  
30 straw man makes it possible for the government to regulate private conduct *indirectly*, rather than directly, using the  
31 office that the government created and which you consented to occupy by applying for government franchises and  
32 benefits and thereby exercising your right to contract. The government can only tax that which it created. Since it  
33 didn’t create the natural being, then it had to create something else and fool you into believing that you are that person  
34 using “words of art”, smoke, and mirrors.

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

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

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

- 15 4. In law, all rights are "property". The purpose of creating the straw man is to allow the government to acquire rights  
16 usually without compensating the "persons" it acquires them from. Without the straw man, this acquisition of property  
17 would be unlawful but with the straw man, it is not unlawful. There are three main "rights" or types of property that  
18 the government acquires by creating the straw man that they cannot otherwise lawfully possess in the context of private  
19 persons:
- 20 4.1. They cannot impose duties or obligations upon human beings without compensation. This is a violation of the  
21 Thirteenth Amendment prohibition against involuntary servitude. This prohibition, unlike the Bill of Rights,  
22 applies everywhere, including on federal territory.
- 23 4.2. They cannot abuse their power to tax to pay public monies to private persons.
- 24 4.3. They cannot lawfully maintain records about private persons without their consent.
- 25 5. The "straw man" in all the contexts we have been able to identify is simply:
- 26 5.1. A "public officer" or agent within the government.
- 27 5.2. An artificial entity that is usually a trust. That trust is usually an extension of the "public trust", meaning the  
28 government. The trust document is the Constitution.
- 29 6. If you want to identify who the "straw man" is in the law, start with the definitions for the following terms:
- 30 6.1. "person". See, for instance, 26 U.S.C. §6671(b) and 26 U.S.C. §7343, all of whom are officers or employees of  
31 federal corporations and not natural beings.
- 32 6.2. "individual". See 26 CFR §1.1441-1(c)(3), which is defined as an alien or nonresident alien who is then defined  
33 in 26 CFR §1.1-1(a)(2)(ii) as being engaged in the "trade or business" franchise.
- 34 6.3. "taxpayer". See 26 U.S.C. §7701(a)(14) and 26 U.S.C. §1313. This is a "person" engaged in the "trade or  
35 business" franchise and therefore a "public office" within the U.S. government.
- 36 6.4. "citizen". See 26 CFR §1.1-1(c). Defined as an artificial entity with a domicile in the District of Columbia (see  
37 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
- 38 6.5. "resident". See 26 U.S.C. §7701(b)(1)(A). Defined as an artificial entity that is an alien with a domicile in the  
39 District of Columbia (see 26 U.S.C. §7701(a)(9) and (a)(10)) and no part of any state of the Union.
- 40 6.6. "employee". See 5 U.S.C. §2105, 26 U.S.C. §3401(c), and 26 CFR §31.3401(c)-1.
- 41 6.7. "U.S. person" as defined in 26 U.S.C. §7701(a)(30), where the "U.S." they mean is the government and not any  
42 geographical place.
- 43 7. The usual method for creating the "straw man" is the exercise of your right to contract by accepting government  
44 franchises. In other words, the exercise of your right to contract creates the artificial "person" or "public office" that is  
45 the only lawful subject of nearly all government legislation. For details on how these franchises operate, see:

*Government Instituted Slavery Using Franchises, Form #05.030*

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

- 46 8. All government franchises are:
- 47 8.1. "Property" within the meaning of Article 4, Section 3, Clause 2 of the United States government.
- 48 8.2. Implemented as contracts.
- 49 8.3. Function as "private law" that activates upon your voluntary consent.
- 50 8.4. May be consented to implicitly (by conduct) or explicitly (in writing).
- 51 9. In the courts, the term "franchise" is disguised using the name "benefits" or "public right" in order to avoid all the  
52 problems that the truth can create for those intent on plundering your private property in government or intent on  
53 converting that private property to a public use. See:

*The Government "Benefits" Scam, Form #05.040*

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

1 10. Social Security Numbers and Taxpayer Identification Numbers function as the de facto license number to act as the  
2 “straw man” and exercise the functions of a public office within the government. The term “trade or business”, in fact,  
3 is synonymous with a “public office” in the government.

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

5 **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 6 • Any recipient whose income is effectively connected with the **conduct of a trade or business [public**  
7 **office pursuant to 26 U.S.C. §7701(a)(26)]** in the United States.

8 *Note. For these recipients, exemption code 01 should be entered in box 6.*

9 [. . .]

10 *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must*  
11 *include the TIN on Form 1042-S.*

12 *[IRS Form 1042s Instructions, Year 2006, p. 14]*

13 11. The exercise of the duties of the straw man/public office can only lawfully occur in the District of Columbia and not  
14 elsewhere:

15 [TITLE 4 > CHAPTER 3 > § 72](#)  
16 [§ 72. Public offices; at seat of Government](#)

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

19 12. Federal franchises may only lawfully be created or enforced on federal territory and not within any state of the Union.

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

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

36 The reason for the above is because the rights of persons protected by the U.S. Constitution within states of the Union  
37 are “unalienable”, according to the Declaration of Independence. “Inalienable” means they cannot be bargained away  
38 or sold through any commercial process. Since franchises are a commercial process, they cannot lawfully be offered  
39 on land protected by the Constitution and therefore may only be offered to persons domiciled on federal territory.

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

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

47 13. Nearly every type of government franchise we have examined eventually links you back to the following  
48 circumstances:

49 13.1. Holding a “public office” in the District of Columbia corporation/government.

- 1 13.2. Domiciled on federal territory and therefore a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 or statutory  
2 “U.S. resident” (alien) pursuant to 8 U.S.C. §1101(a)(3).  
3 13.3. In possession, receipt, or control of some form of government property, including:  
4 13.3.1. Government numbers.  
5 13.3.2. Government information.  
6 13.3.3. Government contracts.  
7 13.3.4. Government franchises.  
8 13.3.5. Government “benefits” or payments.  
9 13.3.6. Private property associated with government numbers and a “public use” in order to procure the benefits  
10 of a government franchise.

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*  
14 *it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second,*  
15 *that if he devotes it to a public use, he gives to the public a right to*  
16 *control that use; and third, that whenever the public needs require, the public may take it upon*  
17 *payment of due compensation.*  
18 *[Budd v. People of State of New York, 143 U.S. 517 (1892)]*

- 19 14. All legal actions against the “straw man” are “in rem”. An “in rem” proceeding is one against property:  
20 14.1. The property at issue in the controversy is the “res”. The “res” is the “account” that attaches to the “straw man”.  
21 14.2. The license number or identifying number associated with the “res” is a synonym for the “res” itself. For  
22 instance, Taxpayer Identification Numbers are the “res” in tax proceedings in federal court.  
23 14.3. Federal courts which hear matters relating to disputes over franchises and the “straw man” that attaches to the  
24 franchise derive all their authority under Article 4, Section 3, Clause 2 of the United States Constitution.  
25 14.4. Judges officiating over franchises are acting in an administrative rather than Article III constitutional capacity.  
26 For instance, the United States Tax Court is a legislative franchise court in the Executive rather than judicial  
27 branch of the government. It is established pursuant to Article I of the United States Constitution as described in  
28 26 U.S.C. §7441.  
29 14.5. All federal district and circuit courts are Article 4, Section 3, Clause 2 “property courts”, which are also called  
30 “franchise courts”.  
31 14.6. All rights are property. Anything that conveys rights is property. Contracts convey rights and are therefore  
32 “property”. All franchises are contracts and therefore “property” within the meaning of Article 4, Section 3,  
33 Clause 2 of the United States Constitution.  
34 15. No one may lawfully compel you to accept the duties of the straw man. Neither Congress nor any judge may lawfully  
35 compel you to accept the duties of a franchisee and use a franchise court without your consent. If they do, they are  
36 violating the Thirteenth Amendment prohibition against involuntary servitude.  
37 16. If anyone compels you to accept the duties of the franchise and compels you to occupy the public office of the straw  
38 man, they are:  
39 16.1. Engaging in Involuntary servitude in violation of the Thirteenth Amendment, 18 U.S.C. §1581, and 42 U.S.C.  
40 §1994 (peonage).  
41 16.2. If they are compelling you in court to accept the duties of a franchise that they can’t prove consent on the record  
42 to participate, they are also abusing legal process to enslave you in criminal violation of 18 U.S.C. §1589(3) and  
43 owe mandatory restitution pursuant to 18 U.S.C. §1593.  
44 16.3. Exercising eminent domain over your labor and property without compensation.  
45 16.4. Engaging in criminal conversion of your private property to a public use without your consent pursuant to 18  
46 U.S.C. §654.  
47 16.5. If the franchise being enforced is “domicile”, they are engaging in a criminal “protection racket”.  
48 17. We have found no evidence from any credible source that the use of the all caps name signifies anything. Only by  
49 associating one’s personal property with government property, such as the Taxpayer Identification Number or Social  
50 Security Number, can a person then be required to satisfy the duties of the straw man and the public office that it  
51 attaches to. If you argue that the ALL CAPS name means anything in front of a judge or a jury, THEY ARE GOING  
52 TO HANG YOU! Instead, please focus on more substantive issues contained in this memorandum.

## 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. *Policy Document: UCC Redemption*, Form #08.002-describes the official policy of this website towards those who believe in UCC redemption.  
<http://sedm.org/Forms/FormIndex.htm>
2. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037-proves that if the government is enforcing statutory law against you, it has to presume that you are one of its own officers, employees, or contractors and NOT a private person. Your job in litigation is to force them to PROVE that you are.  
<http://sedm.org/Forms/FormIndex.htm>
3. *Government Instituted Slavery Using Franchises*, Form #05.030-explains how franchises are used to create public offices and agency.  
<http://sedm.org/Forms/FormIndex.htm>
4. *Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008-proves that all "taxpayers" are "public officers" within the government.  
<http://sedm.org/Forms/FormIndex.htm>
5. *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012-proves that the government cannot use a Taxpayer Identification Number unless you are an alien engaged in a public office in the U.S. government. Shows how to disconnect from using these numbers and thereby disconnect from the straw man.  
<http://sedm.org/Forms/FormIndex.htm>
6. *The Wizard of Oz*-true significance of the famous Wizard of Oz story  
<http://famguardian.org/Subjects/MoneyBanking/UCC/WizardOfOz.pdf>
7. *Highlights of American Legal and Political History CD*. Shows how our republic was corrupted so that the government could steal your money  
<http://sedm.org/ItemInfo/Disks/HOALPH/HOALPH.htm>
8. *Cracking the Code*, Third Edition, Better Book and Coin (BBC). This book is out of print
9. *Mastering the Uniform Commercial Code*  
<http://famguardian.org/Subjects/MoneyBanking/UCC/MasteringTheUCC.pdf>
10. *Investigative Report*, Barton Buhtz  
<http://famguardian.org/Subjects/MoneyBanking/UCC/InvestigativeReportUCC.pdf>
11. *Redemption Manual*  
<http://famguardian.org/Publications/RedemptionManual/Redemption-20061120.pdf>
12. *UCC Filing*. Family Guardian  
<http://famguardian.org/TaxFreedom/Forms/Emancipation/UCCFiling.htm>
13. *U.C.C. Security Agreement*, Form #14.002  
<http://sedm.org/Forms/FormIndex.htm>
14. *Family Guardian Website: Money and Banking Page*  
<http://famguardian.org/Subjects/MoneyBanking/MoneyBanking.htm>
15. *Memorandum of Law on the Name*-detailed research on the use of the upper case name.  
<http://famguardian.org/Subjects/LawAndGovt/Articles/MemLawOnTheName.htm>

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

These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(d\)](#), failure to deny within 10 days constitutes an admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person against whom you are attempting to unlawfully enforce federal law.

1. Admit that the government can only tax, regulate, and destroy that which it creates.

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

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

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

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

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

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

YOUR ANSWER: \_\_\_Admit \_\_\_Deny

CLARIFICATION: \_\_\_\_\_

2. Admit that the government did not create human beings, and therefore it cannot tax, regulate or destroy them until they engage in franchises created by the government.

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

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

YOUR ANSWER: \_\_\_Admit \_\_\_Deny

CLARIFICATION: \_\_\_\_\_

3. Admit that the Thirteenth Amendment to the United States Constitution prohibits involuntary servitude and slavery of human beings both in states of the Union and on federal territory, except as a punishment for a crime:

*Thirteenth Amendment  
Slavery And Involuntary Servitude*

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

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

*“Other authorities to the same effect might be cited. It is not open to doubt that Congress may enforce the Thirteenth Amendment by direct legislation, punishing the holding of a person in slavery or in involuntary servitude except as a punishment for a crime. In the exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds another in that condition of involuntary servitude. **This legislation is not limited to the territories or other parts of the strictly national domain, but is operative in the states and wherever the sovereignty of the United States extends. We entertain no doubt of the validity of this***

1 legislation, or of its applicability to the case of any person holding another in a state of peonage, and this  
2 whether there be municipal ordinance or state law sanctioning such holding. **It operates directly on every**  
3 **citizen of the Republic, wherever his residence may be.**  
4 [Clyatt v. U.S., 197 U.S. 207 (1905)]

5  
6 "That it does not conflict with the Thirteenth Amendment, which abolished slavery and involuntary servitude,  
7 except as a punishment for crime, is too clear for argument. Slavery implies involuntary servitude—a state of  
8 bondage; the ownership of mankind as a chattel, **or at least the control of the labor and services of one man**  
9 **for the benefit of another, and the absence of a legal right to the disposal of his own person, property, and**  
10 **services [in their entirety]. This amendment was said in the Slaughter House Cases, 16 Wall, 36, to have been**  
11 **intended primarily to abolish slavery, as it had been previously known in this country, and that it equally**  
12 **forbade Mexican peonage or the Chinese coolie trade, when they amounted to slavery or involuntary servitude**  
13 **and that the use of the word 'servitude' was intended to prohibit the use of all forms of involuntary slavery, of**  
14 **whatever class or name."**  
15 [Plessy v. Ferguson, 163 U.S. 537, 542 (1896)]

16  
17 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

18  
19 CLARIFICATION: \_\_\_\_\_

- 20 4. Admit that the only affirmative duty that any just government can impose against a human being without violating the  
21 Thirteenth Amendment is the duty to refrain from injuring the equal rights of other fellow human beings:

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

28  
29 **Love does no harm to a neighbor; therefore love is the fulfillment of the law.**  
30 [Romans 13:9-10, Bible, NKJV]

31  
32 "Do not strive with [or try to regulate or control or enslave] a man without cause, **if he has done you no**  
33 **harm."**  
34 [Prov. 3:30, Bible, NKJV]

35 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

36  
37 CLARIFICATION: \_\_\_\_\_

- 38 5. Admit that the duty to refrain from injuring others is implemented by the criminal or penal law and that everyone has  
39 an equal duty to obey the criminal laws but must consent to every other type of civil law in order for it to be  
40 enforceable against them:

41 "**The rights of the individual are not derived from governmental agencies, either municipal, state or federal,**  
42 **or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely**  
43 **reaffirmed in the Constitution, and restricted only to the extent that they have been voluntarily surrendered by**  
44 **the citizenship to the agencies of government. The people's rights are not derived from the government, but the**  
45 **government's authority comes from the people.\*946 The Constitution but states again these rights already**  
46 **existing, and when legislative encroachment by the nation, state, or municipality invade these original and**  
47 **permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer**  
48 **restrictions that surround the individual liberties of the citizen, except those for the preservation of the public**  
49 **health, safety, and morals, the more contented the people and the more successful the democracy."**  
50 [City of Dallas v. Mitchell, 245 S.W. 944 (1922)]

51  
52 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

53  
54 CLARIFICATION: \_\_\_\_\_

1 6. Admit that the only way you can become subject to any civil law that imposes any kind of duty or obligation is through  
2 the exercise of your right to contract.

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

6 *An agreement, upon sufficient consideration, to do or not to do a particular thing. 2 Bl.Comm. 442; 2 Kent,*  
7 *Comm. 449. Justice v. Lang, 42 N.Y. 496, 1 Am.Rep. 576; Rabon v. State Finance Corporation, 203 S.C. 183,*  
8 *26 S.E.2d 501, 502.*

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

12 *A deliberate [e.g. voluntary] engagement between competent parties, upon a legal consideration, to do, or*  
13 *abstain from doing, some act. Wharton; Smith v. Thornhill, Tex.Com.App. 25 S.W.2d 597, 599. It is agreement*  
14 *creating obligation, in which there must be competent parties, subject-matter, legal consideration, mutuality*  
15 *of agreement, and mutuality of obligation, and agreement must not be so vague or uncertain that terms are*  
16 *not ascertainable. H. Liebes & Co. v. Klengenber, C. C.A.Ca1.. 23 F.2d 611, 612. A contract or agreement is*  
17 *either where a promise is made on one side and assented to on the other; or where two or more persons enter*  
18 *into engagement with each other by a promise on either side. 2 Steph.Comm1. 54. The writing which contains*  
19 *the agreement of parties, with the terms and conditions, and which serves as a proof of the obligation.*  
20 *[Black's Law Dictionary, Fourth Edition, p. 395]*

21 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

22 CLARIFICATION: \_\_\_\_\_

24 7. Admit that the exercise of your right to contract creates the “person” or “persons” who is/are the lawful subject of the  
25 contract.

26 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

27 CLARIFICATION: \_\_\_\_\_

30 8. Admit that in law, rights are property, anything that conveys rights is property, contracts convey rights and are  
31 therefore property, and that all franchises are contracts between the grantor and the grantee.

32 *It is generally conceded that a franchise is the subject of a contract between the grantor and the grantee, and*  
33 *that it does in fact constitute a contract when the requisite element of a consideration is present.*<sup>50</sup>  
34 *Conversely, a franchise granted without consideration is not a contract binding upon the state.*<sup>51</sup> *It is*  
35 *generally considered that the obligation resting upon the grantee to comply with the terms and conditions of the*  
36 *grant constitutes a sufficient consideration.*<sup>52</sup> *As expressed by some authorities, the benefit to the community*  
37 *may constitute the sole consideration for the grant of a franchise by a state.*<sup>53</sup>

<sup>50</sup> Larson v. South Dakota, 278 U.S. 429, 73 L.Ed. 441, 49 S Ct 196; Grand Trunk Western R. Co. v. South Bend, 227 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Blair v. Chicago, 201 U.S. 400, 50 L.Ed. 801, 26 S.Ct. 427; Arkansas-Missouri Power Co. v. Brown, 176 Ark 774, 4 S.W.2d. 15, 58 ALR 534; Chicago General R. Co. v. Chicago, 176 Ill 253, 52 NE 880; Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Baker v. Montana Petroleum Co. 99 Mont 465, 44P.2d. 735; Re Board of Fire Comrs. 27 NJ 192, 142 A2d 85; Chrysler Light & P. Co. v. Belfield, 58 ND 33, 224 NW 871, 63 ALR 1337; Franklin County v. Public Utilities Com. 107 Ohio St 442, 140 NE 87, 30 ALR 429; State ex rel. Daniel v. Broad River Power Co. 157 SC 1, 153 SE 537; Rutland Electric Light Co. v. Marble City Electric Light Co. 65 Vt 377, 26 A 635; Virginia-Western Power Co. v. Commonwealth, 125 Va 469, 99 S.E. 723, 9 ALR 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va 134, 114 SE 92, 28 ALR 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va 69, 126 SE 353.

<sup>51</sup> Pennsylvania R. Co. v. Bowers, 124 Pa 183, 16 A 836.

<sup>52</sup> Central Transp. Co. v. Pullman's Palace Car Co. 139 US 24, 35 L.Ed. 55, 11 S Ct 478; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Dufour v. Stacey, 90 Ky 288, 14 SW 48; State ex rel. Kansas City v. East Fifth Street R. Co. 140 Mo 539, 41 SW 955; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433.

<sup>53</sup> Dartmouth College v. Woodward, supra; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433.

1 **A contract thus created has the same status as any other contract recognized by the law;**<sup>54</sup> it is binding  
2 mutually upon the grantor and the grantee and is enforceable according to its terms and tenor,<sup>55</sup> and is  
3 entitled to be protected from impairment by legislative action under the provision of the state and federal  
4 constitutions prohibiting the passage of any law by which the obligation of existing contracts shall be impaired  
5 or lessened.<sup>56</sup> The well-established rule as to franchises is that where a municipal corporation, acting within  
6 its powers, enacts an ordinance conferring rights and privileges on a person or corporation, and the grantee  
7 accepts the ordinance and expends money in availing itself of the rights and privileges so conferred, a contract  
8 is thereby created which, in the absence of a reserved power to amend or repeal the ordinance, cannot be  
9 impaired by a subsequent municipal enactment.<sup>57</sup> Certain limitations upon this general rule, and particular  
10 applications thereof, are discussed in the following section.

11 The equivalent of a municipal grant or franchise may result from the acceptance of an offer contained in a state  
12 statute<sup>58</sup> or in the constitution of the state.<sup>59</sup>  
13 [Am.Jur.2d., Franchises, §2: As a Contract]

14  
15 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

16  
17 CLARIFICATION: \_\_\_\_\_

- 18 9. Admit that the “person” defined below at some point exercised his right to contract and consented to the duties  
19 described.

20 [TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671](#)  
21 [§ 6671. Rules for application of assessable penalties](#)

22 (b) Person defined

23 The term “person”, as used in this subchapter, includes an officer or employee of a corporation, or a member  
24 or employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in**  
25 **respect of which the violation occurs.**  
26 \_\_\_\_\_

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<sup>54</sup> Louisville v. Louisville Home Tel. Co., 149 Ky 234, 148 SW 13.

<sup>55</sup> Grand Trunk Western R. Co. v. South Bend, 277 U.S. 544, 57 L.Ed. 633, 33 S.Ct. 303; Louisville v. Cumberland Tel. & Tel. Co., 224 U.S. 649, 56 L.Ed. 934, 32 S.Ct. 572; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Victory Cab Co. v. Charlotte, 234 NC 572, 68 SE2d 433; East Ohio Gas Co. v. Akron, 81 Ohio St 33, 90 NE 40.

<sup>56</sup> Ohio Pub. Serv. Co. v. Ohio, 274 US 12, 71 L.Ed. 898, 47 S Ct 480; Northern Ohio Traction & Light Co. v. Ohio, 245 U.S. 574, 62 L.Ed. 481, 38 S.Ct. 196; Cincinnati v. Cincinnati & H. Traction Co., 245 U.S. 446, 62 L.Ed. 389, 38 S.Ct. 153; Kansas Gas & E. Co. v. Independence (CA10) 79 F2d 32, 638, 100 ALR 1479; State ex rel. Weatherly v. Birmingham Waterworks Co. 185 Ala 388, 64 So 23; Colorado & S. R. Co. v. Ft. Collins, 52 Colo 281, 121 P 747; Summerville v. Georgia Power Co., 205 Ga 843, 55 S.E.2d. 540; Chicago v. Chicago Union Traction Co. 199 Ill 259, 65 NE 243; Rushville v. Rushville Natural Gas Co. 164 Ind 162, 73 NE 87; State ex rel. Shaver v. Iowa Tel. Co. 175 Iowa 607, 154 NW 678; Dayton v. South Covington & C. Street R. Co. 177 Ky 202, 197 SW 670; Shreveport Traction Co. v. Shreveport, 122 La 1, 47 So 40; Benton Harbor v. Michigan Fuel & Light Co. 250 Mich 614, 231 NW 52, 71 ALR 114; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 NW 527, 86 NW 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Quinby v. Public Serv. Com. 223 NY 244, 119 NE 433, 3 ALR 685; Northwestern Tel. Exch. Co. v. Anderson, 12 ND 585, 98 NW 706; Interurban R. & Terminal Co. v. Public Utilities Com. 98 Ohio St 287, 120 NE 831, 3 ALR 696; Providence Gas Co. v. Thurber, 2 RI 15; Cumberland Tel. & Tel. Co. v. United Electric R. Co. 93 Tenn 492, 29 SW 104; Salt Lake City v. Utah Light & Traction Co. 52 Utah 210, 173 P 556, 3 ALR 715; State v. Gibbs, 82 Vt 526, 74 A 229; Virginia-Western Power Co. v. Commonwealth, 125 Va 469, 99 S.E. 723, 9 ALR 1148, cert den 251 U.S. 557, 64 L.Ed. 413, 40 S Ct 179, disapproved on other grounds Victoria v. Victoria Ice, Light & Power Co. 134 Va 134, 114 SE 92, 28 ALR 562, and disapproved on other grounds Richmond v. Virginia Ry. & Power Co. 141 Va 69, 126 SE 353; Allen v. Forrest, 8 Wash 700, 36 P 971; Clarksburg Electric Light Co. v. Clarksburg, 47 W Va 739, 35 SE 994, error dismd (US) 46 L.Ed. 1267, 22 S Ct 942; Wright v. Milwaukee Electric R. & Light Co. 95 Wis 29, 69 NW 791.

<sup>57</sup> New York Electric Lines Co. v. Empire City Subway Co. 235 U.S. 179, 59 L.Ed 184, 35 S.Ct. 72; Boise Artesian Hot & Cold Water Co. v. Boise City, 230 US 84, 57 L.Ed. 1400, 33 S Ct 997; Owensboro v. Cumberland Tel. & Tel. Co. 230 US 58, 57 L.Ed. 1389, 33 S Ct 988; Omaha Water Co. v. Omaha (CA8) 147 F 1, app dismd 207 U.S. 584, 52 L.Ed 352, 28 S.Ct. 262; Colorado & S. R. Co. v. Ft. Collins, 52 Colo 281, 121 P 747; Washington v. Atlantic Coast Line R. Co. 136 Ga 638, 71 SE 1066; Rushville v. Rushville Natural Gas Co. 164 Ind 162, 73 NE 87; Michigan Tel. Co. v. St. Joseph, 121 Mich 502, 80 NW 383; Northwestern Tel. Exch. Co. v. Minneapolis, 81 Minn 140, 83 NW 527, 86 NW 69; Westport v. Mulholland, 159 Mo 86, 60 SW 77; Backus v. Lebanon, 11 NH 19; Northwestern Tel. Exch. Co. v. Anderson, 12 ND 585, 98 NW 706; Elliott v. Eugene, 135 Or 108, 294 P 358; Milwaukee Electric R. & Light Co. v. Railroad Com. 153 Wis 592, 142 NW 491, affd 238 US 174, 59 L.Ed. 1254, 35 S Ct 820.

<sup>58</sup> The grant resulting from the acceptance, by the establishment of a plant devoted to the prescribed public use, of the state's offer to permit persons or corporations duly incorporated for the purpose "in any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light," to lay pipes in the city streets for the purpose specified, constitutes a contract and vests in the accepting individual or corporation a property right protected by the Federal Constitution against impairment. Russell v. Sebastian, 233 US 195, 58 L.Ed. 912, 34 S Ct 517.

<sup>59</sup> Madera Waterworks v. Madera, 228 US 454, 57 L.Ed. 915, 33 S Ct 571.

The term "person" as used in this chapter includes an officer or employee of a corporation, or a member or employee of a partnership, **who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.**

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

10. Admit that the "person" described in the previous question, by virtue of being the subject of the civil provisions indicated, is an officer, agent, or employee of the United States government under contract or agreement with the U.S. government.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

11. Admit that the "person" indicated in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 is consensually engaged in franchises with the United States government.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

12. Admit that the issuance of a license or some form of consent is required in order to become subject to a government franchise agreement.

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

13. Admit that the U.S. Supreme Court has held that Congress may not authorize, meaning "license" any activity within a state in order to tax it.

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

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

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

YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

CLARIFICATION: \_\_\_\_\_

1 14. Admit that because of the U.S. Supreme Court holding in the License Tax Cases, [72 U.S. 462](#), 18 L.Ed. 497,  
2 5 Wall. 462, 2 A.F.T.R. 2224 (1866), the only place the U.S. government can lawfully license anything is on its own  
3 territory and not within any state of the Union.

4  
5 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

6  
7 CLARIFICATION:\_\_\_\_\_

8 15. Admit that Social Security Numbers and Taxpayer Identification Numbers function as de facto “licenses” to act as a  
9 “public officer” within states of the Union and to participate in government franchises.

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

11 **You must obtain a U.S. taxpayer identification number (TIN) for:**

- 12 • Any recipient whose income is effectively connected with the conduct of a trade or business in the United  
13 States.  
14 *Note.* For these recipients, exemption code 01 should be entered in box 6.
- 15 • Any foreign person claiming a reduced rate of, or exemption from, tax under a tax treaty between a  
16 foreign country and the United States, unless the income is an unexpected payment (as described in  
17 Regulations section 1.1441-6(g)) or consists of dividends and interest from stocks and debt obligations  
18 that are actively traded; dividends from any redeemable security issued by an investment company  
19 registered under the Investment Company Act of 1940 (mutual fund); dividends, interest, or royalties from  
20 units of beneficial interest in a unit investment trust that are (or were, upon issuance) publicly offered and  
21 are registered with the Securities and Exchange Commission under the Securities Act of 1933; and  
22 amounts paid with respect to loans of any of the above securities.
- 23 • Any nonresident alien individual claiming exemption from tax under section 871(f) for certain annuities  
24 received under qualified plans.
- 25 • A foreign organization claiming an exemption from tax solely because of its status as a tax-exempt  
26 organization under section 501(c ) or as a private foundation.
- 27 • Any *QI*.
- 28 • Any *WP* or *WT*.
- 29 • Any nonresident alien individual claiming exemption from withholding on compensation for independent  
30 personal services [services connected with a “trade or business”].
- 31 • Any foreign grantor trust with five or fewer grantors.
- 32 • Any branch of a foreign bank or foreign insurance company that is treated as a U.S. person.

33 *If a foreign person provides a TIN on a Form W-8, but is not required to do so, the withholding agent must*  
34 *include the TIN on Form 1042-S.*  
35 *[IRS Form 1042s Instructions, Year 2006, p. 14]*

36  
37 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

38  
39 CLARIFICATION:\_\_\_\_\_

40 16. Admit that a “trade or business” is defined as “the functions of a public office”.

41 [26 U.S.C. § 7701\(a\)\(26\)](#)

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

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

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

1  
2 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

3  
4 CLARIFICATION: \_\_\_\_\_

5 17. Admit that all public offices must be exercised ONLY in the District of Columbia and not elsewhere, except as  
6 expressly and statutorily authorized by Congress.

7 [TITLE 4 > CHAPTER 3 > Sec. 72.](#)  
8 [Sec. 72. - Public offices: at seat of Government](#)

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

11  
12 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

13  
14 CLARIFICATION: \_\_\_\_\_

15 18. Admit that Congress has never expressly authorized the “public offices” that are the subject of the tax upon a “trade or  
16 business” within any state of the Union.

17  
18 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

19  
20 CLARIFICATION: \_\_\_\_\_

21 19. Admit that all “taxpayers” under Internal Revenue Code Subtitle A are aliens engaged in a “trade or business”.

22 *NORMAL TAXES AND SURTAXES*  
23 *DETERMINATION OF TAX LIABILITY*  
24 *Tax on Individuals*  
25 *Sec. 1.1-1 Income tax on individuals.*

26 *(a)(2)(ii) For taxable years beginning after December 31, 1970, the tax imposed by section 1(d) [Married*  
27 *individuals filing separate returns], as amended by the Tax Reform Act of 1969, shall apply to the income*  
28 *effectively connected with the conduct of a **trade or business in the United States** by*  
29 *a **married alien individual who is a nonresident of the United States for all or part of the taxable year or by a***  
30 ***foreign estate or trust**. For such years the tax imposed by section 1(c) [unmarried individuals], as amended by*  
31 *such Act, shall apply to the income effectively connected with the conduct of a trade or business in the United*  
32 *States by an **unmarried alien individual (other than a surviving spouse) who is a nonresident of the United***  
33 ***States for all or part of the taxable year**. See paragraph (b)(2) of section 1.871-8.” [26 CFR §1.1-1(a)(2)(ii)]*

34  
35 *TITLE 26--INTERNAL REVENUE*  
36 *CHAPTER 1--INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY*  
37 *PART 1\_INCOME TAXES--Table of Contents*  
38 *Sec. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.*

39 *(c) Definitions--(1) Withholding. The term withholding means the deduction and withholding of tax at the*  
40 *applicable rate from the payment.*

41 [. . .]

42 *(3) Individual--(i) Alien individual. The term alien individual means an individual who is not a citizen or a*  
43 *national of the United States. See Sec. 1.1-1(c).*

44 *(ii) Nonresident alien individual. The term nonresident alien individual means a person described in section*  
45 *7701(b)(1)(B), an alien individual who is a resident of a foreign country under the residence article of an*  
46 *income tax treaty and Sec. 301.7701(b)-7(a)(1) of this chapter, or an alien individual who is a resident of*  
47 *Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American*  
48 *Samoa as determined under Sec. 301.7701(b)-1(d) of this chapter. An alien individual who has made an*  
49 *election under section 6013 (g) or (h) to be treated as a resident of the United States is nevertheless treated as a*

1 nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations  
2 thereunder.

3  
4 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

5  
6 CLARIFICATION: \_\_\_\_\_

7 20. Admit that it is unlawful for aliens to occupy a “public office” and that only “citizens” may lawfully do so..

8 4. Lack of Citizenship

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

15 *In accordance with this principle it is held that an alien can not hold the office of sheriff.<sup>60</sup>*  
16 *[A Treatise on the Law of Public Offices and Officers, Floyd Russell Mechem, 1890, p. 27, §74;*  
17 *SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]*

18  
19 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

20  
21 CLARIFICATION: \_\_\_\_\_

22 21. Admit that a subset of those holding “public office” are described as “employees” within 26 U.S.C. §3401(c ) and [26](#)  
23 [CFR §31.3401\(c \)-1](#).

24 [26 U.S.C. §3401\(c \) Employee](#)

25 *For purposes of this chapter, the term “employee” includes [is limited to] an officer, employee, or elected  
26 official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any  
27 agency or instrumentality of any one or more of the foregoing. The term “employee” also includes an officer of  
28 a corporation.*

29  
30 [26 CFR §31.3401\(c \)-1 Employee:](#)

31 *“...the term [employee] includes officers and employees, whether elected or appointed, of the United States, a  
32 [federal] State, Territory, Puerto Rico or any political subdivision, thereof, or the District of Columbia, or any  
33 agency or instrumentality of any one or more of the foregoing. The term ‘employee’ also includes an officer of a  
34 corporation.”*

35  
36 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

37  
38 CLARIFICATION: \_\_\_\_\_

39 22. Admit that the “employee” defined above is the SAME “employee” described in IRS Form W-4.

40  
41 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

42  
43 CLARIFICATION: \_\_\_\_\_

44 23. Admit that the use or abuse of IRS Form W-4 to CREATE public offices in the U.S. government would constitute a  
45 criminal violation of 18 U.S.C. §912 and a civil violation of 4 U.S.C. §72.

46 [TITLE 18 > PART 1 > CHAPTER 43 > § 912](#)  
47 [§ 912. Officer or employee of the United States](#)

<sup>60</sup> State v. Smith, 14 Siw. 497; State v. Murray, 28 Wis. 96, 9 Am.Rep. 489.

1 Whoever **falsely assumes or pretends to be an officer or employee acting under the authority of the United**  
2 **States** or any department, agency or officer thereof, and acts as such, or in such pretended character demands  
3 or obtains any money, paper, document, or thing of value, shall be fined under this title or imprisoned not more  
4 than three years, or both.

5 \_\_\_\_\_  
6 TITLE 4 > CHAPTER 3 > § 72  
7 § 72. Public offices; at seat of Government

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

10 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

11 CLARIFICATION: \_\_\_\_\_

14 24. Admit that IRS Forms W-2, 1042s, 1098, and 1099 cannot lawfully be used to CREATE public offices, but merely  
15 document the exercise of those already lawfully occupying said office pursuant to Article VI of the United States  
16 Constitution.

17 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

18 CLARIFICATION: \_\_\_\_\_

21 25. Admit that if IRS Forms W-2, 1042s, 1098, and 1099 are used to “elect” an otherwise private person involuntarily into  
22 public office that he or she does not consent to occupy, the filer of the information return is criminally liable for:  
23 25.1. Filing false returns and statements pursuant to 26 U.S.C. §§7206, 7207.  
24 25.2. Impersonating a public officer pursuant to 18 U.S.C. §912.  
25 25.3. Involuntary servitude in violation of 18 U.S.C. §§1581, 1593 and the Thirteenth Amendment.

26 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

27 CLARIFICATION: \_\_\_\_\_

30 26. Admit that one cannot be an “employee” as defined above or within the meaning of 5 U.S.C. §2105 without also being  
31 engaged in a “trade or business” activity.

32 TITLE 5 > PART III > Subpart A > CHAPTER 21 > § 2105  
33 § 2105. Employee

34 (a) For the purpose of this title, “employee”, except as otherwise provided by this section or when specifically  
35 modified, means an officer and an individual who is—

36 (1) appointed in the civil service by one of the following acting in an official capacity—

- 37 (A) the President;  
38 (B) a Member or Members of Congress, or the Congress;  
39 (C) a member of a uniformed service;  
40 (D) an individual who is an employee under this section;  
41 (E) the head of a Government controlled corporation; or  
42 (F) an adjutant general designated by the Secretary concerned under section 709 (c) of title 32;

- 43 (2) engaged in the performance of a Federal function under authority of law or an Executive act; and  
44 (3) subject to the supervision of an individual named by paragraph (1) of this subsection while engaged in the  
45 performance of the duties of his position.

46 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

47 CLARIFICATION: \_\_\_\_\_

1 27. Admit that there is no definition of “employee” within Subtitle C of the Internal Revenue Code or the Treasury  
2 Regulations which would expand upon the meaning of “employee” in 26 U.S.C. §3401(c) to include private workers  
3 or those who work for “private employers”.

4 *Internal Revenue Manual 5.14.10.2 (09-30-2004)*  
5 *Payroll Deduction Agreements*

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

10  
11 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

12  
13 CLARIFICATION: \_\_\_\_\_

14 28. Admit that the rules of statutory construction prohibit expanding definitions or “terms” used within the I.R.C. to  
15 include anything or class of things not specifically spelled out and that doing so constitutes a prejudicial presumption  
16 that is a violation of due process of law.

17 *“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.”* *Colautti v.*  
18 *Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed  
19 in other legislation, has no pejorative connotation. *As judges, it is our duty to [481 U.S. 485] construe*  
20 *legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who*  
21 *has not even read it.”*  
22 [*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

23 *“When a statute includes an explicit definition, we must follow that definition, even if it varies from that*  
24 *term’s ordinary meaning.* *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory  
25 definition of the term excludes unstated meanings of that term”); *Colautti v. Franklin*, 439 U.S. at 392-393, n.  
26 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”);  
27 *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S.  
28 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* §  
29 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). *That is to say, the statute, read “as a whole,” post at*  
30 *998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition.* That definition does not  
31 include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate  
32 the contrary.”  
33 [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

34 *“Expressio unius est exclusio alterius.* A maxim of statutory interpretation meaning that *the expression of one*  
35 *thing is the exclusion of another.* *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d 321, 325; *Newblock v. Bowles*,  
36 170 Okl. 487, 40 P.2d 1097, 1100. Mention of one thing implies exclusion of another. *When certain persons*  
37 *or things are specified in a law, contract, or will, an intention to exclude all others from its operation may be*  
38 *inferred.* Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
39 of a certain provision, other exceptions or effects are excluded.”  
40 [*Black’s Law Dictionary*, Sixth Edition, p. 581]

41 *“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”*  
42 [*Colautti v. Franklin*, 439 U.S. 379 (1979), n. 10]

43 YOUR ANSWER: \_\_\_ Admit \_\_\_ Deny

44  
45 CLARIFICATION: \_\_\_\_\_

46 29. Admit that the decision to either hold public office or sign a W-4 agreement is a voluntary personal decision that  
47 cannot be coerced, and if it is, it becomes invalid and unenforceable at the option of the person so coerced.

48 *“An agreement [consent] obtained by duress, coercion, or intimidation is invalid, since the party coerced is not*  
49 *exercising his free will, and the test is not so much the means by which the party is compelled to execute the*  
50 *agreement as the state of mind induced.*<sup>61</sup> Duress, like fraud, rarely becomes material, except where a contract  
51 or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract

<sup>61</sup> *Brown v. Pierce*, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

1 or conveyance voidable, not void, at the option of the person coerced,<sup>62</sup> and it is susceptible of ratification.  
2 Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>63</sup> However, duress  
3 in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of  
4 doing so, is generally deemed to render the resulting purported contract void.<sup>64</sup>  
5 [American Jurisprudence 2d, Duress, Section 21]

6 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

7  
8 CLARIFICATION:\_\_\_\_\_

9 30. Admit that a legal proceeding against a “taxpayer” is a proceeding “in rem” against the public office occupied by the  
10 “taxpayer”.

11 *In rem.* A technical term used to designate proceedings or actions instituted against the thing, in  
12 contradistinction to personal actions, which are said to be in personam.

13 “In rem” proceedings encompass any action brought against person in which essential purpose of suit is to  
14 determine title to or to affect interest in specific property located within territory over which court has  
15 jurisdiction. *ReMine ex rel. Liley v. District Court for City and County of Denver, Colo., 709 P.2d 1379, 1382.*  
16 It is true that, in a strict sense, a proceeding in rem is one taken directly against property, and has for its object  
17 the disposition of property, without reference to title of individual claimants; but, in a larger and more general  
18 sense, the terms are applied to actions between parties, where the direct object is to reach and dispose of  
19 the property owned by them, or of some interest therein. Such are cases commenced by attachment against the  
20 property of debtors, or instituted to partition real estate, foreclose a mortgage, or enforce a lien. *Pennoyer v.*  
21 *Neff, 95 U.S. 714, 24 L.Ed. 565.* In the strict sense of the term, a proceeding “in rem” is one which is taken  
22 directly against property or one which is brought to enforce a right in the thing itself.

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

26 *See also in personam; In rem jurisdiction; Quasi in rem jurisdiction.*  
27 *[Black’s Law Dictionary, Sixth Edition, p. 793]*

28  
29 YOUR ANSWER: \_\_\_Admit \_\_\_Deny

30  
31 CLARIFICATION:\_\_\_\_\_

32 31. Admit that completing a government license application or an application for “benefits” creates a “res” that is the  
33 subject of the laws that regulate the benefit.

34 **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*  
35 *word has a very wide and extensive signification, including not only things which are objects of property, but*  
36 *also such as are not capable of individual ownership. And in old English law it is said to have a general*  
37 *import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species. By “res,”*  
38 *according to the modern civilians, is meant everything that may form an object of rights, in opposition to*  
39 *“persona,” which is regarded as a subject of rights. “Res,” therefore, in its general meaning, comprises actions*  
40 *of all kinds; while in its restricted sense it comprehends every object of right, except actions. This has reference*  
41 *to the fundamental division of the Institutes that all law relates either to persons, to things, or to actions.*

42 **Res is everything that may form an object of rights and includes an object, subject-matter or status.** *In re*  
43 *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-*  
44 *matter, or status, considered as the defendant in an action, or as an object against which, directly,*  
45 *proceedings are taken. Thus, in a prize case, the captured vessel is “the res”; and proceedings of this*

<sup>62</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 NYS2d 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 SE2d 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.*

<sup>63</sup> *Faske v. Gershman, 30 Misc 2d 442, 215 NYS2d 144; Heider v. Unicume, 142 Or 416, 20P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)*

<sup>64</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.*

1 character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding,  
2 as when a cause, which is not between adversary parties, is entitled "In re \_\_\_\_\_".  
3 [Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

4 \_\_\_\_\_

5 **"It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an**  
6 **action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the**  
7 **'marriage status' is the res. Both parties to the marriage, and the state of the residence of each party to the**  
8 **marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action**  
9 **for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases**  
10 **assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the**  
11 **jurisdiction. *Ditson v. Ditson*, 4 R. I. 87, is the leading case so holding; see, also, *Andrews v. Andrews*, 188 U.S.**  
12 **14, 23 S.Ct. 237, 47 L.Ed. 366. Until 1905 the overwhelming weight of authority was to the effect that, if the**  
13 **petitioning party was domiciled in good faith in any state, that state could render a divorce decree on**  
14 **constructive service valid not only in the state of its rendition, but which would be recognized everywhere. In**  
15 ***Atherton v. Atherton*, 181 U.S. 155, 21 S.Ct. 544, 45 L.Ed. 794, the United States Supreme Court apparently**  
16 **recognized that doctrine. In that case the parties were living together and domiciled in Kentucky. That state was**  
17 **the last state where the parties lived together as husband and wife."**  
18 [Delanoy v. Delanoy, 216 Cal. 27, 13 P.2d 719 (CA. 1932)]

19  
20 YOUR ANSWER: \_\_\_\_Admit \_\_\_\_Deny

21  
22 CLARIFICATION: \_\_\_\_\_

23  
24 **Affirmation:**

25 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing  
26 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these  
27 answers are completely consistent with each other and with my understanding of both the Constitution of the United States,  
28 Internal Revenue Code, Treasury Regulations, the Internal Revenue Manual, and the rulings of the Supreme Court but not  
29 necessarily lower federal courts.

30 Name (print): \_\_\_\_\_

31 Signature: \_\_\_\_\_

32 Date: \_\_\_\_\_

33 Witness name (print): \_\_\_\_\_

34 Witness Signature: \_\_\_\_\_

35 Witness Date: \_\_\_\_\_