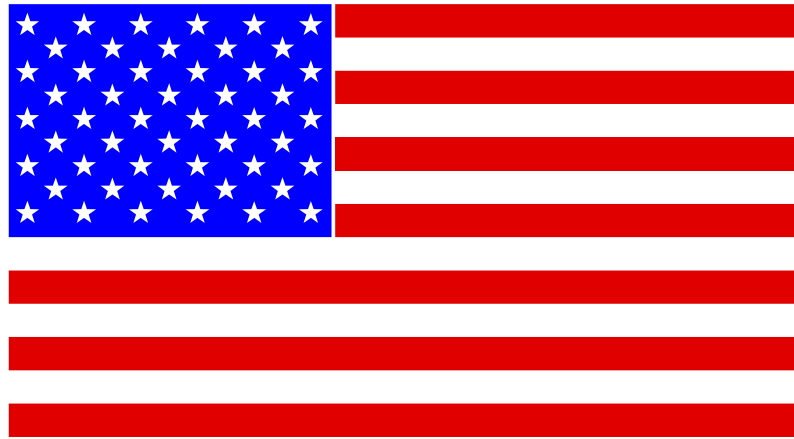


***WHY YOU ARE A POLITICAL CITIZEN BUT  
CIVIL NON-CITIZEN, NATIONAL,  
AND NONRESIDENT ALIEN***

<http://famguardian.org/>



**=POLITICAL**

**"citizen"/"national"**

**=CIVIL "nonresident  
alien"**

**≠CIVIL "U.S. citizen"**

## DEDICATION



President Obama Admits in His Farewell Address that “Citizen” is a Public Office, Exhibit #01.018

YOUTUBE: <https://youtu.be/XjVyEZU0mlc>

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

The above “public office” is the ONLY lawful subject of CIVIL legislation or CIVIL enforcement and filling it is VOLUNTARY. If it ISN’T voluntary, then you are a SLAVE and the Thirteenth Amendment prohibition against involuntary servitude is violated! To “unvolunteer” one simply removes themselves from a [domicile](#) on federal territory and thereby becomes a [STATUTORY “non-resident non-person”](#) in relation to the national government.<sup>1</sup> A “non-resident non-person” we define as someone who fits the following criteria:

1. Not domiciled on federal territory or within a federal enclave.
2. Not physically present on federal territory or within a federal enclave.
3. Not consensually doing business with the national government and thus waiving sovereign immunity under Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and International Shoe Co. v. Washington, 326 U.S. 310 (1945).
4. Not in possession, use, custody, control of, or “benefit” of government property loaned to them under the conditions specified in any national franchise. This includes civil statuses legislatively created by Congress such as “person”, “individual”, “citizen”, “resident”, etc. All franchises are based upon loans of government property and acceptance of said property constitutes constructive consent to the statutory terms associated with the loan.<sup>2</sup>
5. Not consensually representing an artificial entity (a legal fiction) that has a domicile on federal territory or within a federal enclave, such as “person”, “individual”, “taxpayer”, “citizen”, or “resident”. Thus Federal Rule of Civil Procedure 17(b) confers no federal jurisdiction over them.

---

<sup>1</sup> For details on “non-resident non-persons”, see:

*Non-Resident Non-Person Position*, Form #05.020

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

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

<sup>2</sup> See:

*Government Instituted Slavery Using Franchises*, Form #05.030

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

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

6. Reserving all constitutional rights and forfeiting none. Thus, all property or services requested by any third party are subject to the conditions of a loan agreement which those requesting said property or services consent to by virtue of continuing to demand or ask for such property. That loan and anti-franchise agreement is specified below:

*Injury Defense Franchise and Agreement*, Form #06.012

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

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

To suggest that there is no such thing as a “non-resident non-person” is to in effect repeal the ENTIRE constitution and make us all into government employees or officers against our consent. The Thirteenth Amendment forbids such involuntary servitude.

The ONLY type of "citizen" he could possibly be talking about in the above video is STATUTORY citizens, not CONSTITUTIONAL/state citizens. For more details on the distinction between CONSTITUTIONAL and STATUTORY citizens, see:

1. *Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015

DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FourteenthAmendNotProb.pdf>

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

2. *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

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

See also:

*Citizenship and Domicile as Verified by President Obama*, Exhibit #01.017

[https://youtu.be/szcA\\_v3K6I8](https://youtu.be/szcA_v3K6I8)

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# 1. INTRODUCTION

The reader might be wondering why we named this document the way we did. Here are the reasons::

1. The main threat to your freedom is government franchises and privileges. See:

Government Instituted Slavery Using Franchises, Form #05.030

<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

2. Those wishing to be FREE must learn about TWO very important things: POLITICAL status and CIVIL status.

3. The entire CIVIL law and all franchises ADD privileges ON TOP of POLITICAL status. DOMICILE is the origin of most civil statuses. That subject is not comprehensively discussed in this work but rather in the work below:

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

<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

4. Court enforceable obligations come from having a CIVIL status, not a POLITICAL status.

5. "national" is political status. It can safely be invoked in BOTH a political scenario as well as a CIVIL legal scenario. It is multi-purpose.

6. There are no ENFORCEABLE infirmities to having a political status.

7. You have a First Amendment right to call yourself whatever you want.

8. If the ONLY thing you identify yourself as in every legal proceeding is someone with a POLITICAL status and no CIVIL status, then the only choice the government has is to LEAVE YOU ALONE and not enforce against you.

9. Those without a CIVIL status are called "non-persons", "nonresidents", and "transient foreigners". See:

Non-Resident Non-Person Position, Form #05.020

<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

10. To PREVENT people from implementing a "non-person" status, politicians are famous for EQUIVOCATING CIVIL status with POLITICAL status by not clarifying the context of the word "citizen" whenever they use it. Here is a great example:

REBUTTAL: U.S. Senator Amy Klobuchar Admits at Trump Inauguration on 1/20/25 CIVIL/DOMICILED

Citizen\*\*+D is a PUBLIC OFFICE!, SEDM

<https://sedm.org/rebuttal-u-s-senator-amy-klobuchar-admits-at-trump-inauguration-on-1-20-25-civil-domiciled-citizend-is-a-public-office/>

11. This document is therefore intended to ELIMINATE any possibility that you will be the victim of such equivocation in the use of the word "citizen" by both politicians and government bureaucrats.

12. It is difficult in the modern world to be WITHOUT ANY civil statuses or to be a CIVIL "non-person", but minimizing civil statuses is VERY important for those who want to be free.

13. By "Statutory" in the title of this document, we mean CIVIL, as defined in our disclaimer:

Disclaimer, Section 4.17: Statutory Citizen, Family Guardian Fellowship

[https://famguardian.org/disclaimer.htm#4.17\\_Statutory\\_Citizen](https://famguardian.org/disclaimer.htm#4.17_Statutory_Citizen)

For the above reasons, this document could just as easily be titled:

*"How the Government Captures You by Equivocating Citizenship Terms and Contexts".*

The list of documents above provides much more details on the nuances of how this deception and identity theft by politicians works in a format you can use in court. We don't intend to duplicate that information in this document. Information in this document is also not specific to the tax subject, which subject is covered in much greater detail in our other documents. It is more intended for general use in all aspects of your CIVIL LEGAL interactions with governments.

We undertook the writing of this exhaustive memorandum of law about citizenship because we were looking for a way to terminate our civil legal relationship with the corrupted national government. After all, government is a business that delivers only one product, which is "protection" and it has customers called STATUTORY "citizens" and "residents". We thought that there OUGHT to be a simple way to terminate our relationship as a "customer" and thereby restore our sovereignty and equality in relation to that government. Certainly, if the U.S. Supreme Court calls the act of being a "citizen" voluntary, then there MUST be a way to "unvolunteer" and abandon civil protection WITHOUT abandoning one's nationality, right?

"The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole,

and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which

owes allegiance to two sovereignties, and claims protection from both. **The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.** *He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.* [United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]]

The above U.S. Supreme Court cite led to many questions in our mind that we sought answers to and documented the answers here, such as:

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" or "benefits, privileges, and immunities" of being a STATUTORY/CIVIL citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?

We can envision little that is more anomalous, under modern standards, than the forcible imposition of citizenship against the majoritarian will.<sup>[13]</sup> See, e.g., U.N. Charter arts. 1, 73 (recognizing self-determination of people as a guiding principle and obliging members to "take due account of the political aspirations of the peoples" inhabiting non-self-governing territories under a member's responsibility).<sup>[14]</sup> Atlantic Charter, U.S.-U.K., Aug. 14, 1941 (endorsing "respect [for] the right of all peoples to choose the form of government under which they will live"); Woodrow Wilson, President, United States, Fourteen Points, Address to Joint Session of Congress (Jan. 8, 1918) ("[I]n determining all [] questions of sovereignty the interests of the populations concerned must have equal weight with the equitable claims of the government whose title is to 312\*312 be determined.") (Point V). See also Tuaua, 951 F.Supp.2d at 91 ("American Samoans take pride in their unique political and cultural practices, and they celebrate its history free from conquest or involuntary annexation by foreign powers."). To hold the contrary would be to mandate an irregular intrusion into the autonomy of Samoan democratic decision-making; an exercise of paternalism—if not overt cultural imperialism—offensive to the shared democratic traditions of the United States and modern American Samoa. See King v. Andrus, 452 F.Supp. 11, 15 (D.D.C.1977) ("The institutions of the present government of American Samoa reflect ... the democratic tradition ....").

[Tuaua v. U.S., 788 F.3d. 300 - Court of Appeals, Dist. of Columbia Circuit 2015]

#### FOOTNOTES:

<sup>[13]</sup> Complex questions arise where territorial inhabitants democratically determine either to pursue citizenship or withdraw from union with a state. Such scenarios may implicate the reciprocal associational rights of the state's current citizens or the right to integrity of the sovereign itself.

<sup>[14]</sup> But see Medellin v. Texas, 552 U.S. 491, 128 S.Ct. 1346, 170 L.Ed.2d 190 (2008).

3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

8 U.S.C. §1101 Definitions [for the purposes of citizenship]

(a) As used in this chapter—



(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States\*\*] or of the individual, in accordance with law.

4. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of "citizen" carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of federal territory?
5. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress, INCLUDING that of "citizen" or "resident"?
6. Isn't a "nonresident non-person" just someone who refuses to be a customer of specific services offered by government using the civil statutory code/franchise? Why can't I choose to be a nonresident for specific franchises or interactions because I don't consent to procure the product or service.<sup>3</sup>
7. If the "national and citizen of the United States\*\* at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", why can't we just abandon the "citizen" part for specific transactions by withdrawing consent and allegiance for those transactions or relationships? Wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

***citizen.** One who, under the [Constitution](#) and laws of the [United States](#)\*\*\*], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights.** All persons born or naturalized in the United States\*\*\*], and subject to the jurisdiction thereof, are citizens of the United States\*\*\*] and of the state wherein they reside. [U.S. Const., 14th Amend.](#). See [Citizenship](#).*

***"Citizens" are members of a political community who, in their associated capacity, have established or [VOLUNTARILY] submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.** [Herriott v. City of Seattle](#), 81 Wash.2d 48, 500 P.2d 101, 109. [Black's Law Dictionary, Sixth Edition, p. 244]*

8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may lawfully REFUSE to accept a "benefit"?

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

*Potest quis renunciare pro se, et suis, juri quod pro se introductum est.  
A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

*Quilibet potest renunciare juri pro se inducto.  
Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.  
[Bouvier's Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

<sup>3</sup> Earlier versions of the following regulation prove this:

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

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

- 1 9. If I'm not allowed to abandon the civil statutory protection of Caesar and the obligation to pay for it and I am  
2 FORCED to obey Caesar's "social compact" and franchise called the CIVIL code (a franchise) and am FORCED to be  
3 privileged and a civil "subject", isn't there:  
4 9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of  
5 "citizen" if we do not consent to the status?  
6 9.2. Involuntary servitude?  
7 10. What if I define what they call "protection" NOT as a "benefit" but as an "injury"? Who is the customer here? The  
8 CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a  
9 "benefit".

10 *"If Congress can employ money indefinitely to the general welfare, and are the sole and supreme judges of the*  
11 *general welfare [e.g. "benefit"], they may take the care of religion into their own hands; they may appoint*  
12 *teachers in every State, county and parish and pay them out of their public treasury; they may take into their own*  
13 *hands the education of children, establishing in like manner schools throughout the Union; they may assume the*  
14 *provision of the poor; they may undertake the regulation of all roads other than post-roads; in short, every thing,*  
15 *from the highest object of state legislation down to the most minute object of police, would be thrown under the*  
16 *power of Congress.... Were the power of Congress to be established in the latitude contended for, it would subvert*  
17 *the very foundations, and transmute the very nature of the limited Government established by the people of*  
18 *America."*

19 *"If Congress can do whatever in their discretion can be done by money, and will promote the general welfare,*  
20 *the government is no longer a limited one possessing enumerated powers, but an indefinite one subject to*  
21 *particular exceptions."*

22 *[James Madison. House of Representatives, February 7, 1792, On the Cod Fishery Bill, granting Bounties]*

- 23 11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent  
24 to be subject to. See *Alden v. Maine*, [527 U.S. 706](#) (1999).  
25 11.1. Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN  
26 BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it  
27 without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?  
28 11.2. Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and  
29 suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state  
30 against the consent of a specific inhabitant who is protected by the Constitution?  
31 11.3. Isn't a STATUTORY "citizen" just a CONSENTING CUSTOMER of government services?  
32 11.4. Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles  
33 of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property  
34 and what you consent to buy and pay for?  
35 11.5. Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't  
36 consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" or  
37 "residents" by government? That's how the current system works. Government REFUSES to recognize those  
38 such as STATE NATIONALS who are unprivileged and terrorizes them and STEALS from them because they  
39 refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".  
40 11.6. What business OTHER than government as a corporation can lawfully force you and punish you for refusing to  
41 be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an  
42 unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the  
43 government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION  
44 instead of statutory law.  
45 12. If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for  
46 EVERY individual interaction with the government? Why can't I, for instance, be all the following at the same time?:  
47 12.1. A POLITICAL but not STATUTORY/CIVIL "citizen of the United States" under Title 8?  
48 12.2. A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the  
49 other titles?  
50 12.3. A "nonresident non-person" for every act of Congress.  
51 12.4. No domicile on federal territory or within the STATUTORY United States and therefore immune from federal  
52 civil law under Federal Rule of Civil Procedure 17(b).  
53 12.5. A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution  
54 but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile  
55 within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their  
56 domicile shifts to OUTSIDE that STATUTORY "State".

13. Is the “citizen” in Title 8 of the U.S. Code the same “citizen” that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of “citizen of the United States” under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same “citizen” as the one in Title 8?
14. If the Bible says that Christians can’t consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I as a Christian lawfully have any discretionary status under Caesar’s civil franchise “codes” such as STATUTORY “citizen” or STATUTORY “resident”? The Bible says I can’t have a king above me.

*“Owe no one anything [including ALLEGIANCE], except to love one another; for he who loves his neighbor has fulfilled the law.”*  
*[Romans 13:8, Bible, NKJV]*

15. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract “rent” called “income tax” upon what belongs to God? Where is the separation of church and state in THAT? Isn’t Caesar therefore simply renting out STOLEN property and laundering money if he charges “taxes” on the use of property which belongs to God?

*“For you were bought [by Christ] at a price [His blood]; therefore glorify God in your body and in your spirit, which are God’s [property].”*  
*[1 Cor. 6:20, Bible, NKJV]*

The answers to the above questions appear later in section 4.6.5. Anyone who can’t answer ALL the above questions with answers that don’t contradict themselves or the REST of the law is lying to you about citizenship, and probably because they covet your property and benefit commercially from the lie. Our research in answering the above very interesting questions reveals that there is a way to terminate our status as a STATUTORY “citizen” and “customer” without terminating our nationality, but that it is carefully hidden. The results of our search will be of great interest to many. Enjoy.

## 1.1 Purpose

The purpose of this document is to establish with evidence the following facts:

1. That the Constitution and Title 8 of the United States Code is POLITICAL law that establishes who are members of the political community established by our country and the various levels of membership that currently exist.
2. Those born or naturalized on federal territory are not party to the U.S. Constitution or even mentioned in the constitution. Hence, political law in Title 8 is required as a SUBSTITUTE for a missing constitution to establish their political status.
3. That the status of a person under POLITICAL law is regulated ONLY by the following events:
  - 3.1. Birth.
  - 3.2. Naturalization (8 U.S.C. §1421).
  - 3.3. Expatriation (8 U.S.C. §1481).
4. That POLITICAL status is unaffected by CIVIL domicile or changes in CIVIL domicile.
5. That all titles of the U.S. Code OTHER than Title 8 that reference citizenship status refer to citizens in their CIVIL rather than POLITICAL context. Throughout this document, we will refer to the CIVIL context as the STATUTORY context.
6. That a failure to distinguish between POLITICAL and CIVIL context for citizenship terms is the source of much needless confusion in the freedom community.
7. That deception is often times caused by abuse, misuse, and purposeful misapplication of “words of art” and failing to distinguish the context in which such words are used on government forms and in legal proceedings.
8. That there are two different jurisdictions and contexts in which the word “citizen” can be applied: statutory v. constitutional. By “statutory”, we mean as used in CIVIL federal statutes, and by “constitutional” we mean as used in the common law, the U.S. Supreme Court, or the Constitution.
  - 8.1. “Constitutional citizen” is a POLITICAL status tied to:
    - 8.1.1. “nationality”
    - 8.1.2. The U.S. Constitution.
    - 8.1.3. POLITICAL jurisdiction and a specific political status.
    - 8.1.4. A “nation” under the law of nations.
    - 8.1.5. Membership in a “nation” under the law of nations and nothing more.
  - 8.2. “Statutory citizen” is a LEGAL CIVIL status tied to:
    - 8.2.1. “domicile” somewhere WITHIN the nation.
    - 8.2.2. Statutory civil law. That law is described as a “social compact” and private law that only attaches to those with a civil domicile within a specific venue or jurisdiction.

8.2.3. Civil LEGAL jurisdiction and legal status. The status acquired is under statutory civil law and is called “citizen”, “inhabitant”, or “resident”.

8.2.4. A SPECIFIC municipal government among MANY WITHIN a single nation.

8.3. The differences between these two statuses are explained in the following definition:

*"Nationality. That quality or character which arises from the fact of a person's belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status. Nationality arises either by birth or by naturalization. See also Naturalization."*

*[Black's Law Dictionary, Sixth Edition, p. 1025]*

9. That corrupt governments and public servants intent on breaking down the separation of powers between states of the Union and the federal government purposefully try to exploit the legal ignorance of the average American to deceive constitutional citizens through willful abuse of “words of art” into falsely declaring themselves as statutory citizens on government forms and in legal pleadings. This causes a surrender of all constitutional rights and operates to their extreme detriment by creating lifetime indentured financial servitude and surety in relation to the government. This occurs because a statutory citizen maintains a domicile on federal territory, and the Bill of Rights does not apply on federal territory.

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

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

10. That once a state national falsely or improperly declares their status as that of statutory “U.S.\*\* citizen” or “citizen of the United States\*\*”, they are also declaring their effective domicile to be within the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d). It is an effective rather than actual domicile because the CIVIL STATUTORY status of “U.S.\* citizen” is an office in the government and by declaring they have that status, they have volunteered to represent such an office. That office, in turn, is domiciled in the place it was created and resides, which is the District of Columbia. They have, in effect, volunteered to work for the national government and be treated AS IF they are physically present on its land, no matter where their body is physically located. They are a “resident agent” of the office in the place they live.

11. That 8 U.S.C. §1401 defines a POLITICAL “national and citizen of the United States\*\* at birth”, where “United States” means the POLITICAL and not CIVIL “United States”. Even if they mention the 50 states in the definition of “United States”, federal civil law still only attaches to federal territory and those domiciled on federal territory wherever physically situated. Everything else is a “foreign state” and a “foreign sovereign”.

12. That the Fourteenth Amendment Section 1 defines a constitutional “citizen of the United States at birth”, where “United States” means states of the Union and excludes the federal zone.

13. That the term “citizen of the United States” as used in the Fourteenth Amendment Section 1 of the constitution is NOT equivalent and is mutually exclusive to the POLITICAL/TERRITORIAL citizens within federal territories in 8 U.S.C. §1402 through 8 U.S.C. §1407. Another way of restating this is that you cannot simultaneously be a constitutional “citizen of the United States\*\*\*” (Fourteenth Amendment) and a POLITICAL/TERRITORIAL “citizen of the United States\*\*”.

*"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided*



*always in the District of Columbia or in the territories, though within the United States[\*], were not citizens. Whether this proposition was sound or not had never been judicially decided.”*  
[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

14. That the term “U.S. citizen” as used on federal and state forms means a CIVIL citizen\*\*+D and 26 C.F.R. §1.1-1(a) and (b) and EXCLUDES constitutional citizens.
15. That a human being born within and domiciled within a state of the Union and not within a federal territory or possession is:
  - 15.1. Called an “American National” by the Department of State in 8 U.S.C. §1502, rather than “citizens of the United States[\*\*]”. We also call these people “state nationals” in this document.
  - 15.2. A Fourteenth Amendment, Section 1 constitutional “citizen of the United States”.

*“It is impossible to construe the words ‘subject to the jurisdiction thereof,’ in the opening sentence, as less comprehensive than the words ‘within its jurisdiction,’ in the concluding sentence of the same section; or to hold that persons ‘within the jurisdiction’ of one of the states of the Union are not ‘subject to the jurisdiction of the United States[\*\*\*].”*  
[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]

- 15.3. Called either an “American citizen” or a “citizen of the United States of America” in the early enactments of Congress. See 1 Stat. 477 and the following:

SEDM Exhibit #01.004

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

- 15.4. A “national” as defined in 8 U.S.C. §1101(a)(21) but not a CIVIL “citizen” in respect to the federal government.
- 15.5. An “inhabitant” under The Law of Nations written by Vattel.
- 15.6. A “free inhabitant” under the Articles of Confederation.
- 15.7. A “nonresident alien” if they do business within or are physically present within exclusive jurisdiction on federal territory. 26 U.S.C. §873(a) and (b)(3) identifies “nationals of the United States” as “nonresident aliens”, and THESE “nationals of the United States” are non-geographical because allegiance is nongeographical. They include constitutional citizens as well as statutory citizens.
- 15.8. A “national of the United States\*” defined in 8 U.S.C. §1101(a)(22).
- 15.9. Not “a person who, though not a citizen of the United States, owes permanent allegiance to the United States\*\*” defined in 8 U.S.C. §1101(a)(22)(B).
- 15.10. Not a “national but not citizen of the United States\*\* at birth” or as defined in 8 U.S.C. §1408.
- 15.11. Referred to in 8 U.S.C. §1502 as a “person not a naturalized citizen of United States” and an “American National”. All STATUTORY “U.S.\*\* citizens” are foreigners naturalized by statute to be treated as citizens, but who do not have the “privileges and immunities” of a CONSTITUTIONAL citizen. See section 1.6.1.
16. That a private human being born within and domiciled within a constitutional state of the Union is:
  - 16.1. A statutory “non-resident non-person” if exclusively PRIVATE and not a public officer.
  - 16.2. A “nonresident alien” as defined in 26 U.S.C. §7701(b)(1)(B) if a public officer in the government. They have this status because “United States” within Title 26 of the U.S. Code has a different meaning than that found in Title 8 of the U.S. Code.
  - 16.3. A “foreign sovereign” and part of a legislatively “foreign state” with respect to the United States Government under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.
  - 16.4. An instrumentality of a legislatively (but not constitutionally) foreign state as a jurist or voter in that foreign state. All jurists and voters in constitutional but not statutory states of the Union are public officers. See, for instance, 18 U.S.C. §201(a), which admits that jurists are public officers.
  - 16.5. NOT a statutory “individual”, which in fact means a public office in the U.S. government.
17. That the federal government uses the exceptions to the Foreign Sovereign Immunities Act (F.S.I.A.) found in 28 U.S.C. §1605(a)(2) to turn “nonresident aliens” into “resident aliens” as defined in 26 U.S.C. §7701(b)(1)(A). It does this:
  - 17.1. By offering commercial franchises and government “benefits” to foreign sovereigns outside its jurisdiction and thereby making them “residents”.
  - 17.2. In VIOLATION of the organic law, which forbids alienating rights protected by the Constitution.
18. That government has a financial interest to deceive us about our true citizenship status in order to:
  - 18.1. Encourage and expand the flow of unlawfully collected income tax revenues (commerce).
  - 18.2. Expand its jurisdiction and control over the populace.
  - 18.3. Centralize all control over everyone in the country to what Mark Twain calls “the District of Criminals”.
19. That the purpose of deliberate government deceptions about citizenship is to destroy the separation of powers between the states and the federal government that is the foundation of the Constitution of the United States of America and to destroy the protections of the Foreign Sovereign Immunities Act (F.S.I.A.). It does this by:



19.1. Using “social insurance” as a form of commerce that makes Americans into “resident aliens” of the District of Columbia, which is what “United States” is defined as in [26 U.S.C. §7701](#) (a)(9) and (a)(10).

19.2. Misleading Americans into falsely declaring their status on government forms as that of a “U.S. citizen”, and thereby losing their status as a “foreign state” under the provisions of [28 U.S.C. §1603](#)(b)(3).

20. That the abuse of equivocation to make state CONSTITUTIONAL citizens appear equivalent to territorial STATUTORY citizens is the main method of unconstitutionally extending federal jurisdiction into otherwise legislatively foreign states of the Union and imposing what the designer of our three-branch system of government called “political law” upon those who are otherwise private and immune from ordinary Acts of Congress:<sup>4</sup>

*The Spirit of Laws, Book XXVI, Section 15*

*15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.*

*As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.*

**By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.**

*Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.*

**Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.**

**Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.**

*If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from the civil law, the not being forced to alienate his possessions.*

*After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.*

*They mended the highways in his time as we do at present. He says, that when a highway could not be repaired, they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who reaped any advantage from the road.<sup>41</sup> They determined at that time by the civil law; in our days, we determine by the law of politics.*

*[The Spirit of Laws, Charles de Montesquieu, Book XXVI, Section 15, 1758; SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]*

What Montesquieu is implying above is what we have been saying all along, and he said it in 1758, which was even before the Declaration of Independence was written:

20.1. The purpose of establishing government is exclusively to protect PRIVATE rights.

20.2. PRIVATE rights are supposed to be protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

<sup>4</sup> For further details, see: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 3.9: “Political (PUBLIC) law” v. “civil (PRIVATE/COMMON) law”; <https://sedm.org/Forms/FormIndex.htm>.

1 "Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of  
2 political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every  
3 individual as the whole community."

4 20.3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the  
5 CIVIL law.

6 20.4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being  
7 used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

8 21. That if you are a concerned American, you cannot let this fraud continue and must act to remedy this situation  
9 immediately by taking some of the actions indicated in section 1.3 later.

## 10 1.2 Why the content of this pamphlet is extremely important

11 What you don't know about citizenship can definitely hurt you. There is nothing more important than knowing who you are  
12 in relation to the government and being able to defend and explain it in a legal setting. The content of this pamphlet is  
13 therefore VERY important. Some reasons:

14 1. Those domiciled on federal territory and who are therefore CIVIL "U.S.\*\* citizens" who have no constitutional rights.  
15 Misunderstanding your citizenship can result in unknowingly surrendering all protections for your Constitutional rights.

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

32 2. Those domiciled on federal territory and who are therefore CIVIL "U.S. citizens" are presumed to be guilty and  
33 "taxpayers" until they prove themselves innocent and therefore a "nontaxpayer":

34 *"Unless the defendant can prove he is not a citizen of the United States\*\* [under 8 U.S.C. §1401 and NOT the*  
35 *constitution], the IRS has the right to inquire and determine a tax liability."*  
36 [U.S. v. Slater, 545 Fed.Supp. 179,182 (1982).]

37 3. Those who are CIVIL "U.S. citizens" are required to pay income tax on their WORLDWIDE earnings connected with  
38 the "trade or business"/public office franchise, not just those from sources within the statutory "United States" as required  
39 by 26 U.S.C. §911 and Cook v. Tait, 265 U.S. 47 (1924). The United States is currently the ONLY country that taxes  
40 its "Citizens" on earnings ANYWHERE. Every other country in the world only taxes its citizens for earnings WITHIN  
41 their country. The statutory "U.S. citizen" franchise status therefore functions effectively as an "electronic leash" for all  
42 those who claim this status, and makes them a public officer of the U.S. government WHEREVER THEY ARE and  
43 WHATEVER other country they claim to be a citizen of. If you decide to try to expatriate and pursue citizenship in any  
44 other country, other countries have been known to require you BEFORE you leave to pay all IRS assessments if you  
45 claim to be a "U.S. citizen" before they will naturalize you. And if you ask them if they do this for other countries, they  
46 will say no. They don't care about tax liability of ANY OTHER COUNTRY. How's THAT for slavery? You are  
47 OWNED if you are a statutory "U.S. citizen". And WHO brought us this wonderful legal innovation? None other than  
48 the man most responsible for the introduction and passage of the Sixteenth Amendment, President Howard Taft himself.  
49 He also was the ONLY President to serve as a tax collector before becoming President, and the only President who also  
50 served as the Chief Justice of the U.S. Supreme Court. Quite a scam, huh? This scam is thoroughly analyzed in:

Federal Jurisdiction, Form #05.018, Section 4.4  
<http://sedm.org/Forms/FormIndex.htm>

4. Those who are ONLY POLITICAL citizens\* but not CIVIL/DOMICILED citizens\*\*+D are not eligible for any kind of license, including a driver's license. All licenses can be offered ONLY to those domiciled on federal territory not protected by the Constitution. Below is an example and there are LOTS more where this one came from:

State of Virginia  
Title 46.2 - MOTOR VEHICLES.  
Chapter 3 - Licensure of Drivers

§46.2-328.1. Licenses, permits and special identification cards to be issued only to United States citizens, legal permanent resident aliens, or holders of valid unexpired nonimmigrant visas; exceptions; renewal, duplication, or reissuance.

A. Notwithstanding any other provision of this title, except as provided in subsection G of § 46.2-345, the Department shall not issue an original license, permit, or special identification card to any applicant who has not presented to the Department, with the application, valid documentary evidence that the applicant is either (i) a citizen of the United States, (ii) a legal permanent resident of the United States, or (iii) a conditional resident alien of the United States.

5. The following authorities require all those who are statutory "U.S.\*\* citizens" (8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) ), statutory "U.S. residents" (26 U.S.C. §7701(b)(1)(A)), and "U.S. persons" (26 U.S.C. §7701(a)(30) ), all of whom have in common a domicile on federal territory, to incriminate themselves on government forms in violation of the Fifth Amendment by filling out disclosures documenting all their foreign bank accounts. If you don't disclose your foreign bank account on the Treasury Form TD F 90-22.1, then you can be penalized up to \$500,000 and spend time in prison! On the other hand, if you can prove that you are not a statutory "U.S. person", then you are not subject to this requirement:

- 5.1. 31 U.S.C. §5314: Records and reports on foreign financial agency transactions

<http://www.law.cornell.edu/uscode/text/31/5314>

- 5.2. Treasury Form TD F 90-22.1: Report of Foreign Bank and Financial Accounts

<http://www.irs.gov/pub/irs-pdf/f90221.pdf>

### 1.3 THE problem with citizenship in a nutshell

*"It is the greatest absurdity to suppose it [would be] in the power of one, or any number of men, at the entering into society, to renounce their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights; the principal of which ... are life, liberty, and property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave"*  
[Samuel Adams, *The Rights of the Colonists*, November 20, 1772;  
<http://www.foundingfathersquotes.com/father/quotes/2/>]

Legal implications of the above:

1. The POLITICAL status indicative of "entering into society" is that of a "citizen\*", meaning a NATIONAL having NATIONALITY. See *Minor v. Happersett*, 88 U.S. (21 Wall.) 164 (1874).  
[https://scholar.google.com/scholar\\_case?case=5117525999793250938](https://scholar.google.com/scholar_case?case=5117525999793250938)
2. CIVIL status, on the other hand, is indicative of:
  - 2.1. LEGALLY associating with a specific municipal jurisdiction.
  - 2.2. Seeking the privileges associated with the CIVIL LAWS of that jurisdiction.
  - 2.3. Seeking a civil statutory status of "citizen" (national) or "resident" (alien).
  - 2.4. Agreeing to PAY for the delivery of the privileges you seek through income taxation.
  - 2.5. Joining the Private Membership Association (PMA) called "the State", which is legally defined as a people occupying a territory.

3. "Civil status" is described in:

Civil Status (Important!), SEDM

<https://sedm.org/litigation-main/civil-status/>

4. The implication of the above is that NO CIVIL privileges can attach to the POLITICAL status of "citizen\*". For a description of what "privilege" means, see:

Government Instituted Slavery Using Franchises, Form #05.030

<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

5. The reason that no CIVIL privileges can attach to the POLITICAL status of "citizen\*" is that privileges are the main method of surrendering natural or constitutional rights.

*"The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."*  
[Munn v. Illinois, 94 U.S. 113 (1876)]

*"But when Congress creates a statutory right [a "privilege" or "public right" in this case, such as a "trade or business"], it clearly has the discretion, in defining that right, to create presumptions, or assign burdens of proof, or prescribe remedies; it may also provide that persons seeking to vindicate that right must do so before particularized tribunals created to perform the specialized adjudicative tasks related to that right. FN35 Such provisions do, in a sense, affect the exercise of judicial power, but they are also incidental to Congress' power to define the right that it has created. No comparable justification exists, however, when the right being adjudicated is not of congressional creation. In such a situation, substantial inroads into functions that have traditionally been performed by the Judiciary cannot be characterized merely as incidental extensions of Congress' power to define rights that it has created. Rather, such inroads suggest unwarranted encroachments upon the judicial power of the United States, which our Constitution reserves for Art. III courts."*

[Northern Pipeline Const. Co. v. Marathon Pipe Line Co., 458 U.S. 50, 102 S.Ct. 2858 (1983)]

6. Because no privileges can attach to the POLITICAL "citizen\*", the status ALSO cannot be a privilege, and therefore cannot be a STATUTORY civil status.
7. Since the income tax is imposed upon "citizens\*\*+D" and "residents" in 26 C.F.R. §1.1-1, then these parties, BY DEFINITION cannot be people with natural or constitutional rights because the CIVIL status therein is treated as a taxable privilege in that context. See:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

8. The only way you can be a "citizen\*" WITHOUT privileges is therefore to be so in a POLITICAL rather than CIVIL STATUTORY context.

Political Jurisdiction, Form #05.004  
<https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf>

9. The above is why a "privilege" is defined as a private or special right imputed or assigned to those who are OTHER than "citizens\*":

*"Privilege. A particular benefit or advantage enjoyed by a person, company, or class **beyond the common advantages of other citizens.**"*  
[Black's Law Dictionary, Sixth Edition, p. 1197; SOURCE:  
<https://famguardian.org/TaxFreedom/CitesByTopic/privilege.htm>]

10. For the purposes of the above, "privileges", "civil status", and "benefits" are synonymous with a CIVIL status under any act of the government. All civil statutory law is law for government and not PRIVATE people:

Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

11. The above concepts are ALSO why it is a maxim of the common law that you have a right to NOT receive, and by implication NOT PAY FOR, a "benefit"/privilege that you DO NOT WANT:

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

*"Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83."*

*"Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt. Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1."*  
[Bouvier's Maxims of Law, 1856; SOURCE:  
<https://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

12. There is nothing inherently sinister about:

12.1. Having a political status.

12.2. Being a "national".

12.3. Calling yourself a Fourteenth Amendment “citizen of the United States\*\*\*\*” who has nationality.

13. Any attempt to abuse equivocation to make CIVIL STATUS and POLITICAL status appear synonymous is an act of CRIMINAL identity theft engineered to procure your consent usually INVISIBLY. See:

*Government Identity Theft*, Form #05.046

<https://sedm.org/Forms/05-MemLaw/GovernmentIdentityTheft.pdf>

#### 1.4 Applying what you learn here to your circumstances

If, after reading this document, you decide that you want to do something positive with the information you read here to improve your life and restore your sovereignty, the following options are available:

1. If you want to learn more about citizenship and sovereignty, see:

*Citizenship and Sovereignty Course*, Form #12.001

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

2. If you want to file a NONRESIDENT tax return as a "non-resident non-person" and in most cases get all of your money back legally, see:

2.1. Section 17.1.8 later, entitled “IRS Form 1040NR, Schedule OI”, which shows you how to fill out the citizenship information on the 1040NR.

2.2. How to File Returns, Form #09.074 -This is a [Member Subscription](#) form. You must join [Member Subscriptions](#) to view

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

2.3. No Thanks, IRS- a service that educates people how to file their OWN nonresident returns

<http://nothanksirs.famguardian.org/>

3. If you want to take an activist role in fighting this fraud, see:

<http://famguardian.org/Subjects/Activism/Activism.htm>

4. If you want to restore your sovereignty, you can use the following procedures:

4.1. Path to Freedom, Form #09.015-complete simplified checklist and curricula for restoring sovereignty and freedom

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

4.2. Sovereignty Forms and Instructions Manual, Form #10.005:

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

4.3. Sovereignty Forms and Instructions Online, Form #10.004:

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

5. If you want to develop court-admissible evidence documenting your true citizenship status as a “state national” and not a statutory “U.S. citizen”, see the following excellent free training course:

*Developing Evidence of Citizenship and Sovereignty Course*, Form #12.002

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

6. If you want to obtain a USA passport as a “national” rather than a statutory “U.S. citizen”, see the following resources:

6.1. Getting a USA Passport as a “state national”, Form #10.012-instructions on how to apply for a passport as a human being and not federal statutory “person” domiciled outside of federal territory and not engaged in any government franchise

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

6.2. Getting a USA Passport as a “state national”, Form #10.013-instructions on how to apply for a passport as a human being and not federal statutory “person” domiciled outside of federal territory and not engaged in any government franchise. PDF version of the above document.

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

6.3. USA Passport Application Attachment, Form #06.007

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

7. If you want to know HOW you were deceived into misrepresenting your citizenship or civil status on government forms, see:

*Avoiding Traps In Government Forms Course*, Form #12.023

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

8. If you want to contact the government to correct all their records describing your citizenship and tax status in order to remove all the false information about your status that you have submitted to them in the past, you may refer to section 16 later in this memorandum of law.

9. If you want to prosecute government personally for abusing government forms and administrative process to make you the victim of CRIMINAL identity theft, you can use the following resource as a starting point:



Government Identity Theft, Form #05.046

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

10. If you want to discontinue participation in all federal franchises and/or benefit programs and thereby remove the commercial nexus that ILLEGALLY makes you into a privileged “resident alien” pursuant to the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. § 1605(a)(2), you can use the following form:

Resignation of Compelled Social Security Trustee, Form #06.002

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

11. If you want to learn about other ways that the federal government has destroyed the separation of powers that is the heart of the United States Constitution, see:

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

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

12. If you want to make sure that the federal courts respect all the implications of this pamphlet and respect and protect the separation of powers in all the government’s dealings with everyone, see:

What Happened to Justice?, Form #06.012

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

### 1.5 Summary of how to enslave any people by abusing citizenship terms and language

It is instructive to summarize how citizenship “words of art” can be abused to enslave any people:

1. Make the government into an unconstitutional monopoly in providing “protection”. This turns government into a mafia protection RACKET. 18 U.S.C. Chapter 95.
2. Ensure that the government NEVER prosecutes its own members for their racketeering crimes, and instead uses the law ONLY to “selectively enforce” against political dissidents or those who refuse their “protection racket”. This act of omission promotes anarchy by making the government not only the source of law, but above the law, not as a matter of law, but as a matter of invisible “policy”.
3. Eliminate legal liability for the truthfulness of anything that any member of any branch OTHER than the judiciary says verbally or in writing.

- 3.1. This unleashes the “Lucifer Effect” documented by psychologist Philip Zimbardo:

Lucifer Effect, Philip Zimbardo

<https://youtu.be/OsFEV35tWsg>

- 3.2. The facilitates and protects MASSIVE, RAMPANT, unconstitutional or illegal or injurious abuse by those in the legal profession and the government. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

4. Abuse unaccountable and often anonymous government propaganda to make people FALSELY believe that:
  - 4.1. CIVIL STATUTES, all of which ONLY pertain to government are the ONLY remedy for anything.
  - 4.2. Everyone is a public officer called a “citizen” or “resident” who has to do anything and everything that any politician publishes in the “employment agreement” called the civil law.
  - 4.3. Any civil obligation any corrupt politician wants can lawfully attach to the status of “citizen” without compensation because calling yourself a citizen is voluntary and anything done to you that you volunteer for cannot form the basis for an injury. This doesn’t violate the Thirteenth Amendment because you volunteered.

***The citizen cannot complain, because he has voluntarily submitted himself to such a form of***

***government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.***

*[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]*

- 4.4. There is no common law. Common law is the only way to lawfully approach the government as a PRIVATE human and equal RATHER than a public officer.
  - 4.5. Being a “citizen” under the civil statutes and employment agreement is a result of BIRTH rather than CIVIL DOMICILE. This makes it impossible to “unvolunteer” because being born is not consensual but selecting a domicile is consensual.

- 1 5. Define everyone in receipt of that protection as receiving a franchise “benefit”. In other words, turn “justice” into a  
2 franchise:  
3 5.1. Give this “benefit” the name “privileges and immunities”.  
4 5.2. Prosecute as thieves all those who refuse to receive the “benefit” or pay for the benefit. This happens all the time  
5 at tax trials. The government prosecution tells a jury full of “tax consumers” with a criminal financial conflict of  
6 interest in violation of 18 U.S.C. §208 that you refuse to pay your “fair share” for receiving the “benefits” of  
7 living in this country, but are never even required to qualify or prove with evidence the actual VALUE of such  
8 benefits. This turns the jury into an angry lynch mob not unlike the mob that crucified Jesus, which is a “weapon  
9 of mass destruction” in the hands of a covetous prosecutor. It makes the defendant literally into a “human  
10 sacrifice” to the pagan god of government.  
11 5.3. Hypocritically refuse to prosecute government as a thief if they either collect payments for services that people  
12 don’t want or don’t use or collect more payments than the services deliver. Thus, the REAL party in receipt of a  
13 “benefit” is the GOVERNMENT rather than the citizen. See:

*Why the Government is the Only Real Beneficiary of All Government Franchises*, Form #05.051  
<https://sedm.org/Forms/FormIndex.htm>

- 14 5.4. For details on the meaning of “justice”, see:

*What is “Justice”?*, Form #05.050

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

- 15 6. Implement a common law maxim that he who receives a “benefit” implicitly consents to all the obligations associated  
16 with the “benefit”. That way, it is impossible to withdraw your IMPLIED consent to be protected or the obligations of  
17 paying for the protection.

18 *“Cujus est commodum ejus debet esse incommodum.*  
19 *He who receives the benefit should also bear the disadvantage.”*

20 *“Que sentit commodum, sentire debet et onus.*  
21 *He who derives a benefit from a thing, ought to feel the disadvantages attending it. 2 Bouv. Inst. n. 1433.”*  
22 *[Bouvier’s Maxims of Law, 1856;*  
23 *SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*  
24

- 25 7. Call those in receipt of the civil statutory protection “citizens” and “subjects”, whether they want to be or not.  
26 7.1. Remove from legal language or legal discussion all those terms that describe people who are NOT “citizens” or  
27 “subjects”. These terms or subjects are called “The Third Rail” in politics or law. This will remove all tools  
28 people can use to escape the government slave legal plantation called the civil code. These people are called:  
29 7.1.1. “nonresidents”.  
30 7.1.2. “transient foreigners”.  
31 7.1.3. “stateless ”.  
32 7.1.4. “in transitu”.  
33 7.1.5. “transient”.  
34 7.1.6. “sojourner”.  
35 7.1.7. “civilly dead”.  
36 7.2. Refuse to document or explain HOW they became “subjects” or how to UNVOLUNTEER to become one. Even  
37 tell them it’s “voluntary” but refuse to offer a way to un volunteer. In psychology, this approach is called  
38 “crazymaking”.

39 *Crazymaking*

40 *Noun*

41 *A form of [psychological attack](#) on somebody by offering [contradictory alternatives](#) and [criticizing](#) [or*  
42 *undermining] the person for choosing either.*  
43 *[Your Dictionary, “crazymaking”, Downloaded 1/9/2018; SOURCE:*  
44 *<http://www.yourdictionary.com/crazymaking>]*

45 This obviously violates the First Amendment, but a government that is above the law doesn’t care. Don’t allow anyone  
46 but a judge to define or redefine these words “citizen” or “subject” so that the status cannot be challenged in court.

- 47 8. Label the allegiance (“national” is someone with allegiance) that is the foundation of citizenship to at least APPEAR  
48 PERMANENT and therefore IRREVOCABLE. Make it at least APPEAR that the only way that one can cease to be a  
49 “citizen” is to surrender their nationality and become stateless everywhere on Earth.

8 U.S.C. §1101

(a) As used in this chapter—

(21) The term “national” means a person owing permanent allegiance to a state.

Here is the definition of “permanent” that shows this deception is happening:

8 U.S.C. §1101 Definitions [for the purposes of citizenship]

(a) As used in this chapter—

(31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States\*\*] or of the individual, in accordance with law.

9. Create confusion in the U.S. Supreme Court over what the origin of the government’s taxing power is and whether it derives from DOMICILE or NATIONALITY. Former President Taft, the guy who got the Sixteenth Amendment income tax amendment FRAUDULENTLY ratified by Philander Knox, did this while he was serving as the Chief Just of the U.S. Supreme Court<sup>5</sup>:

“Or, to express it another way, the basis of the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it being in or out of the United States, nor was not and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as citizen to the United States and the relation of the latter to him as citizen. The consequence of the relations is that the native citizen who is taxed may have domicile, and the property from which his income is derived may have situs, in a foreign country and the tax be legal—the government having power to impose the tax.”  
[Cook v. Tait, 265 U.S. 47 (1924)]

10. Hope no one notices that:

- 10.1. The common law has never been repealed and CANNOT be repealed because it is mandated in the United States Constitution. See the Seventh Amendment.  
10.2. The common law MUST allow one to NOT accept a benefit:

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

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

- 10.3. The term “permanent” really means temporary and requires your express and CONTINUING consent, and ESPECIALLY in the context of “permanent allegiance” that is the basis for “nationality”:

8 U.S.C. §1101

(a) As used in this chapter—

(31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

11. Use deception, equivocation, and “words of art” to divorce “domicile”, which requires consent, from the basis for being a “citizen”, and thus, remove CONSENT from the requirement to be a “citizen”. This has the effect of making “citizen” status APPEAR compelled and involuntary. Do this by the following tactics:

<sup>5</sup> For more details on the fraudulent ratification of the Sixteenth Amendment, see Great IRS Hoax, Form #11.302, Section 3.8.11; ; <https://sedm.org/Forms/FormIndex.htm>. For details on the SCAM surrounding Cook v. Tait, 265 U.S. 47 (1924), see: Federal Jurisdiction, Form #05.018, Section 4.4; <https://sedm.org/Forms/FormIndex.htm>.

- 11.1. PRESUME that ALL of the four contexts for "United States" are equivalent.
- 11.2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident non-person" under federal law and NOT a "citizen of the United States\*\*".
- 11.3. PRESUME that "nationality" and "domicile" are equivalent. They are NOT.
- 11.4. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
- 11.5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a CIVIL citizen.
- 11.6. Confuse the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent.
- 11.7. Add things or classes of things to the meaning of statutory GEOGRAPHIC terms that do not EXPRESSLY appear in their definitions, in violation of the Rules of Statutory Construction and Interpretation. This allows EVERYONE to be PRESUMED to be a STATUTORY "citizen" and franchisee.
- 11.8. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
- 11.9. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:

All of the above tactics are documented in:

[Legal Deception, Propaganda, and Fraud](#), Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>

12. Label as "frivolous" anyone who exposes or challenges the above in court. What this really means is someone who refuses to join the state-sponsored religion that worships men and rulers and governments and which has "superior" or "supernatural" powers above that of any man. Prevent challenges to being called "frivolous" by:
- 12.1. Refusing to define the word.
- 12.2. Never having to prove WITH EVIDENCE that the claim being called "frivolous" is incorrect.
- The above tactics are documented in:

[Responding to "Frivolous" Penalties or Accusations](#), Form #05.027  
<https://sedm.org/Forms/FormIndex.htm>

13. Protect the above SCAM by deceiving people litigating against the above abuses into falsely believing that "sovereign immunity" is a lawful way to prevent common law remedies against the above abuses. Sovereign immunity only applies to STATUTORY "citizens" and "residents" under the CIVIL law, not the COMMON law.

The above tactics essentially turn a REPUBLIC into an OLIGARCHY and make everyone a slave to the usually JUDICIAL oligarchy. That oligarchy is also called a "kritarchy". They make our legal system function just like a British Monarchy for all intents and purposes. British subjects cannot abandon their civil status as "subjects" of the king or queen by changing their domicile, while under American jurisprudence, Americans can but are deceived into believing that they can't. Now you know why judges don't like talking about the SOURCE of their unjust civil jurisdiction over you, which is domicile, or its relationship to HOW their civil statutes acquire the "force of law" against you.

## 1.6 Definitions of key citizenship terms and contexts

Both the words "alien" and "national", in everyday usage, convey a political status relative to some specific nation. Those who are nationals of the nation are members of the nation and those who are aliens of the nation are not members of the nation. For any one specific nation, one is either a national or an alien of the nation. Therefore, to make any sense, the words alien and national must be used in a context which identifies the subject nation that the person is either national or alien of.

Within the COUNTRY "United States" there are TWO "nations":

1. States of the Union united under the Constitution and called "United States of America".
  - 1.1. People within this geography are state citizens and are also called "citizens of the United States" in the Constitution and Fourteenth Amendment.
  - 1.2. These same people within ordinary Acts of Congress are "non-resident non-persons".

2. Federal territories and possessions subject to the exclusive jurisdiction of Congress. People in this geography are “nationals of the United States\*\*” as described in ordinary Acts of Congress and 8 U.S.C. §1101(a)(22).

The above distinctions have been recognized by the U.S. Supreme Court as follows:

*“It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?”*

*[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265, 5 L.Ed. 257 (1821)]*

***“By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument.***

*“*  
*[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) ]*

The legal dictionary also recognizes these distinctions:

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

*[Black’s Law Dictionary, Sixth Edition, p. 648]*

*Foreign Laws: “The laws of a foreign country or sister state.”*

*[Black’s Law Dictionary, Sixth Edition, p. 647]*

***Dual citizenship.** Citizenship in two different countries. Status of citizens of United States who reside within a state; i.e., person who are born or naturalized in the U.S. are citizens of the U.S. and the state wherein they reside.*

*[Black’s Law Dictionary, Sixth Edition, p. 498]*

### 1.6.1 “American national”

The term “American national” is defined by the Department of State in 8 U.S.C. §1502 as follows:

8 U.S. Code § 1502. Certificate of nationality issued by Secretary of State for person not a naturalized citizen of United States for use in proceedings of a foreign state

*The Secretary of State is authorized to issue, in his discretion and in accordance with rules and regulations prescribed by him, a certificate of nationality for any person not a naturalized citizen of the United States who presents satisfactory evidence that he is an American national and that such certificate is needed for use in judicial or administrative proceedings in a foreign state. Such certificate shall be solely for use in the case for which it was issued and shall be transmitted by the Secretary of State through appropriate official channels to the judicial or administrative officers of the foreign state in which it is to be used.*

*(June 27, 1952, ch. 477, title III, ch. 4, § 359, 66 Stat. 273.)*

The term “not a naturalized citizen” as used in the above describes EVERYONE BORN IN THE COUNTRY UNITED STATES\* BUT OUTSIDE of federal territories and possessions. This would include ONLY states of the Union as far as we are aware. The courts have held that people in federal territories and possessions are naturalized citizens.

*“Constitutionally, only those born or naturalized in the United States and subject to the jurisdiction thereof, are citizens. Const.Amdt. XIV. The power to fix and determine the rules of naturalization is vested in the Congress. Const.Art. I, sec. 8, cl. 4. Since all persons born outside of the [CONSTITUTIONAL] United States, are “foreigners,”[1] and not subject to the jurisdiction of the United States, the statutes, such as § 1993 and 8 U.S.C.A. §601 [currently 8 U.S.C. §1401], derive their validity from the naturalization power of the Congress. Elk v. Wilkins, 1884, 112 U.S. 94, 101, 5 S.Ct. 41, 28 L.Ed. 643; Wong Kim Ark v. U. S., 1898, 169 U.S. 649, 702, 18 S.Ct. 456, 42 L.Ed. 890. Persons in whom citizenship is vested by such statutes are naturalized citizens and not native-born citizens. Zimmer v. Acheson, 10 Cir. 1951, 191 F.2d. 209, 211; Wong Kim Ark v. U. S., supra.”*  
*[Ly Shew v. Acheson, 110 F.Supp. 50 (N.D. Cal., 1953)]*



FOOTNOTES:

[1] See *Boyd v. State of Nebraska ex rel. Thayer*, 1892, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103; *U.S. v. Harbanuk*, 2 Cir. 1933, 62 F.2d. 759, 761.

Consequently, the ONLY human beings they can be referring to 8 U.S.C. §1502 are people from states of the Union mentioned in the Constitution as “Citizens”. They could have simply said “Constitutional citizens” instead of “not a naturalized citizen” but they would have given away their biggest secret, which is that people born in the exclusive jurisdiction of states of the Union are NOT “citizens of the United States” within Title 8 of the U.S. Code and that these people are not subject to the legislative jurisdiction of Congress unless abroad.

### 1.6.2 “state national”

Throughout this document, when we use the phrase “state national”, we mean all the following:

1. Born or naturalized within a CONSTITUTIONAL state of the Union.
2. Operating in an exclusively private capacity beyond the control of the civil statutory laws of the national government.
3. A “national of the United States\*\*\*”.
4. A “national of the United States OF AMERICA”.
5. A “national” under 8 U.S.C. §1101(a)(21) owing allegiance to a legislatively but not constitutionally foreign “state”. The term “state” in 8 U.S.C. §1101(a)(21) is lower case BECAUSE it is legislatively foreign.
6. A “free inhabitant” under the original Articles of Confederation, Section IV.  
<https://www.history.com/topics/early-us/articles-of-confederation>
7. An “inhabitant” under the The Law of Nations. See:  

*The Law of Nations*, Monseur De Vattel, Book I, Section 213  
<https://famguardian.org/Publications/LawOfNations/vattel.htm>
8. NOT any of the following:
  - 8.1. A “national of the United States\*\*\*” under 8 U.S.C. §1101(a)(22).
  - 8.2. A statutory “national and citizen of the United States\*\* at birth” per 8 U.S.C. §1401.
  - 8.3. A “non-citizen national of the United States\*\* at birth” per 8 U.S.C. §1408.
  - 8.4. A “a person who, though not a citizen of the United States\*\*, owes permanent allegiance to the United States\*\*\*” under 8 U.S.C. §1101(a)(22)(B).
  - 8.5. A “U.S. non-citizen national” under 8 U.S.C. §1452.
  - 8.6. A “citizen” under 26 C.F.R. §1.1-1(c).
  - 8.7. Domiciled on federal territory.
  - 8.8. Physically present on federal territory.
  - 8.9. Born on federal territory.
  - 8.10. Representing any entity or office domiciled on federal territory.
  - 8.11. A civil statutory “person” under any act of Congress.
  - 8.12. A civil statutory “individual” under any act of Congress.
9. No civil status under the laws of the national government, such as “person” or “individual”. Domicile is the origin of all civil status, and without a domicile on federal territory, there can be no civil status under any Act of Congress. See:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008

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

### 1.6.3 Context for the words "alien" and "national"

1. “United States” in its statutory geographical sense, for the purposes of citizenship means federal territories and possessions and no part of any state of the Union. This is because 8 U.S.C. §§1101(a)(36) and (a)(38), and 8 C.F.R. §215.1(f) includes only federal territory and does not include any states of the Union. See the following for proof:  

*Tax Deposition Questions*, Form #03.016, Section 14  
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Deposition.htm>
2. “Constitutional alien”. This term, as used throughout our website always means a foreign national born or naturalized in a foreign country who is not also a “national of the United States\*\*\*”.
3. “Statutory alien”. This alien is defined in 8 U.S.C. §1101(a)(3) and 26 U.S.C. §7701(b)(1)(A) to mean a foreign national born or naturalized in a foreign country who is not also a “national of the United States\*\*\*”. Always enclose in

double quotes only the word "alien" for this class of people.

4. "alien". Defined in 8 U.S.C. §1101(a)(3) as those people who are not "nationals of the United States\*\*" pursuant to 8 U.S.C. §1101(a)(22).

8 U.S.C. §1101: Definitions

(a) As used in this chapter—

(3) The term "alien" means any person not a citizen or national of the United States[\*\*].

5. "national". Defined in 8 U.S.C. §1101(a)(21). This section of code provides a generic definition for national that does not specify a subject nation and may be used to include people born in foreign countries. Therefore, for clarity when describing yourself as a national, always include the name of the subject nation in your description. Always enclose in double quotes only the word "national". Using this convention, most Americans would describe themselves as a "U.S.A. national" pursuant to 8 U.S.C. §1101(a)(21).
6. "national of the United States\*\*". Defined in 8 U.S.C. §1101(a)(22). This section of code defines a specific "national" and includes the name of the subject nation. "nationals of the United States\*\*" pursuant to 8 U.S.C. §1101(a)(22), are those people born anywhere in territorial "United States\*\*", meaning a territory or a possession.

**1.6.4 "Alien" versus "alien individual"**

1. The terms "alien" as defined in 8 U.S.C. §1101(a)(3) and "alien individual" as defined in 26 C.F.R. §1.1441-1(c)(3)(i), look very similar but they are NOT synonymous.
2. "Aliens" as used in 8 U.S.C. §1101(a)(3) are those people who are not "nationals of the United States\*\*" pursuant to 8 U.S.C. §1101(a)(22) or "United States\*\*" in a constitutional sense.
3. "alien individuals" are statutory "individuals" (26 C.F.R. §1.1441-1(c)(3)) who are also statutory "aliens" pursuant to 8 U.S.C. §1101(a)(3).

26 C.F.R. §1.1441-1(c)(3)(i)

*The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).*

4. All statutory "individuals" within the meaning of the Internal Revenue Code are public officers, employees, agencies, and instrumentalities operating in a representative capacity within the United States government under Federal Rule of Civil Procedure 17(b).
5. An "alien individual" pursuant to 26 C.F.R. §1.1441-1(c)(3)(i) is a public officer who is also an "alien" pursuant to 8 U.S.C. §1101(a)(3). This class "alien individual" is a subset of the class of "aliens".
6. All "alien individuals" are "aliens" but not all "aliens" are "alien individuals".
7. Those taking the Non-Resident Non-Person Position documented herein are:
- 7.1. STATUTORY "non-resident non-persons" if exclusively PRIVATE or "nonresident alien" if a PUBLIC officer. They are not CONSTITUTIONAL aliens. By "CONSTITUTIONAL alien" we mean anyone born or naturalized outside of a constitutional state of the Union.
- 7.2. NOT "alien individuals" since they have resigned from their compelled Social Security Trustee position. Therefore, if you describe yourself as an "alien" pursuant to 8 U.S.C. §1101(a)(3), it is important that you also emphasize that you are NOT an "individual" or "alien individual" pursuant to 26 C.F.R. §1.1441-1(c)(3)(i) because not physically present in the statutory "United States\*\*" (federal zone). You cannot have ANY civil status, including alien, without a physical or legal presence in the country to which you are "alien" in respect to.

**1.6.5 Historical evolution of the term "alien"**<sup>6</sup>

In order to understand why state nationals are nonresidents and even "aliens" in relation to federal territory and the income tax, we must go back in history and examine the relationship between states of the Union after the Union was formed in 1776 and the STATUTORY "States"/territories who later became CONSTITUTIONAL states. Each state that was formed after the union of the initial 13 colonies began as a STATUTORY "State"/territory and later was admitted to the Union as a CONSTITUTIONAL state when its population got large enough. The transition from a territory to a CONSTITUTIONAL

<sup>6</sup> Source: Adapted from *Non-Resident Non-Person Position*, Form #05.020, Section 6.1.1; <https://sedm.org/Forms/FormIndex.htm>.

state required the citizens therein to transition from STATUTORY “citizens” under 8 U.S.C. §1401 to CONSTITUTIONAL “Citizens” or (later in 1865) “citizens of the United States” under the Fourteenth Amendment. This was done through a process known as “collective naturalization”.

There are TWO types of “collective naturalization”: STATUTORY and CONSTITUTIONAL. STATUTORY collective naturalization occurs when new territories are acquired but do not become CONSTITUTIONAL states. CONSTITUTIONAL collective naturalization under Article 1, Section 8, Clause 4 collective naturalization occurs AFTER that territory is admitted to the Union. Alaska and Hawaii are the last two such territories to be the subject of CONSTITUTIONAL collective naturalization when they joined the Union. INDIVIDUAL rather than COLLECTIVE naturalization occurs under 8 U.S.C. §1421.

A STATUTORY “citizen” from a territory or possession such as Puerto Rico or Guam is NOT equivalent to a CONSTITUTIONAL citizen. In fact, those from federal territory are considered “foreigners” in relation to states of the Union:

*“Constitutionally, only those born or naturalized in the United States and subject to the jurisdiction thereof, are citizens. Const.Amdt. XIV. The power to fix and determine the rules of naturalization is vested in the Congress. Const.Art. I, sec. 8, cl. 4. Since all persons born outside of the [CONSTITUTIONAL] United States, are “foreigners,”[1] and not subject to the jurisdiction of the United States, the statutes, such as § 1993 and 8 U.S.C.A. §601 [currently 8 U.S.C. §1401], derive their validity from the naturalization power of the Congress. Elk v. Wilkins, 1884, 112 U.S. 94, 101, 5 S.Ct. 41, 28 L.Ed. 643; Wong Kim Ark v. U. S., 1898, 169 U.S. 649, 702, 18 S.Ct. 456, 42 L.Ed. 890. **Persons in whom citizenship is vested by such statutes are naturalized citizens and not native-born citizens.** Zimmer v. Acheson, 10 Cir. 1951, 191 F.2d. 209, 211; Wong Kim Ark v. U. S., supra.”*  
*[Ly Shew v. Acheson, 110 F.Supp. 50 (N.D. Cal., 1953)]*

FOOTNOTES:

*[1] See Boyd v. State of Nebraska ex rel. Thayer, 1892, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103; U.S. v. Harbanuk, 2 Cir. 1933, 62 F.2d. 759, 761.*

Notice the language “Since all persons born outside of the [CONSTITUTIONAL] United States[\*\*\*], are ‘foreigners’”. STATUTORY “citizens” or STATUTORY “nationals” born on federal territory are “foreign” and “alien” in relation to a CONSTITUTIONAL state. The same thing applies to Indians living on reservations.

The above case doesn’t say this, but the reverse is ALSO true: Those born in CONSTITUTIONAL states are “foreign” and therefore “alien” in relation to STATUTORY “States” and federal territory. That’s where the idea comes from to call state nationals “nonresident aliens” under 26 U.S.C. §7701(b)(1)(B) in relation to a tax that only applies on federal territory within the STATUTORY but not CONSTITUTIONAL “United States” under 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d). THIS is the DEEP DARK secret that federal courts ruling on tax enforcement in states of the Union POSTIVELY REFUSE to discuss because if they did, it would blow up the ENTIRE tax system. This subject is what Tip O’Neill called “The Third Rail of Politics”. The “Third Rail of Politics” deal with subjects that will either get you fired, reduce your pay, or impede your ability to get promoted. It applies to judges just as readily as politicians, even though judges are not supposed to act in a political capacity. It will be like pulling hen’s teeth to get them to talk about this subject:

**Third rail of politics**

The **third rail** of a nation’s politics is a [metaphor](#) for any issue so controversial that it is “charged” and “untouchable” to the extent that any [politician](#) or public official who dares to broach the subject will invariably suffer politically.

It is most commonly used in [North America](#). Though commonly attributed to [Tip O’Neill](#),<sup>[1]</sup> [Speaker of the United States House of Representatives](#) during the [Reagan](#) presidency, it seems to have been coined by O’Neill aide Kirk O’Donnell in 1982 in reference to [Social Security](#).<sup>[2]</sup>

The metaphor comes from the high-voltage [third rail](#) in some [electric railway](#) systems. Stepping on this usually results in [electrocution](#), and the use of the term in politics relates to the risk of “political death” that a politician would face by tackling certain issues.

[Wikipedia: “Third rail of politics”, Downloaded 6/6/2018; SOURCE: [https://en.wikipedia.org/wiki/Third\\_rail\\_of\\_politics](https://en.wikipedia.org/wiki/Third_rail_of_politics)]

1

2 FOOTNOTES:

3 1. Rick Shenkman. *"When Did Social Security Become the Third Rail of American Politics?"*. *George Mason*  
4 *University*. Retrieved 21 October 2014.

5 2. William Safire (8 February 2007). *"On Language: Third Rail"*. *The New York Times*. Retrieved 21 October  
6 2014.

7 Below is an example proving that "nationals" can be CONSTITUTIONAL "aliens", where the petitioner was a Filipino  
8 citizen and a "national of the United States\*\*" under 8 U.S.C. §1101(a)(22). Even then, they identified him as an "alien":

9 *The petitioner urges finally that the requirement of "entry" is implicit in the 1931 Act. Citing [Fong Yue Ting v.](#)  
10 [United States](#), 149 U.S. 698, he argues that the bounds of the power to deport aliens are circumscribed by the  
11 bounds of the power to exclude them, and that the power to exclude extends only to "foreigners" and does not  
12 embrace Filipinos admitted from the Islands when they were a territory of the United States. It is true that  
13 Filipinos were not excludable from the country under any general statute relating to the exclusion of "aliens."  
14 See [Gonzales v. Williams](#), 192 U.S. 1, 12-13; [Toyota v. United States](#), 268 U.S. 402, 411.*

15 *But the fallacy in the petitioner's argument is the erroneous assumption that Congress was without power to*  
16 *legislate the exclusion of Filipinos in the same manner as "foreigners." This Court has held that "... the power*  
17 *to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what*  
18 *terms the United States will receive its inhabitants, and what their status shall be ..."* [Downes v. Bidwell](#), 182  
19 [U.S. 244, 279.](#)<sup>[12]</sup> *Congress not only had, but exercised, 433\*433 the power to exclude Filipinos in the provision*  
20 *of § 8 (a) (1) of the Independence Act, which, for the period from 1934 to 1946, provided:*

21 ***"For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 (c)), this***  
22 ***section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens,***  
23 ***citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were***  
24 ***aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for***  
25 ***each fiscal year a quota of fifty.** ... " 48 Stat. 462, 48 U.S. C. (1934 ed.) § 1238.*

26 *The 1931 Act plainly covers the situation of the petitioner, who was an alien, and who was convicted of a federal*  
27 *narcotics offense. Cf. [United States ex rel. Eichenlaub v. Shaughnessy](#), 338 U.S. 521. We therefore conclude that*  
28 *the petitioner was deportable as an alien under that Act. The judgment is Affirmed."*

29 [. . .]

30 MR. JUSTICE DOUGLAS, dissenting.

31 [. . .]

32 *No matter how the case is viewed, the 1931 Act is applicable only to aliens who had made an "entry" in this*  
33 *country.*

34 *This Filipino came to the United States in 1930 and he has never left here. If the spirit of the 1931 Act is to be*  
35 *observed, he should not be lumped with all other "aliens" who made an "entry." The Filipino alien, who came*  
36 *here while he was a national, stands in a class by himself and should remain there, until and unless Congress*  
37 *extends these harsh deportation measures to his class.*

38 [*Rabang v. Boyd*, 353 U.S. 427 (1957); SOURCE:  
39 [https://scholar.google.com/scholar\\_case?case=9072441037225227210](https://scholar.google.com/scholar_case?case=9072441037225227210)]

40 The Filipino referenced above was both an "alien" and a "national" at the same time! How can this be? The answer is that  
41 each word applies to a different context. He was a CONSTITUTIONAL alien and a "national" at the SAME TIME. He was  
42 alien to states of the Union (United States\*\*\*) but still a member of the NATION United States\*.

43 The naturalization they are talking about above in *Ly Shew v. Acheson*, 110 F.Supp. 50 (N.D. Cal., 1953) in the context of  
44 territories and possessions is STATUTORY naturalization rather than CONSTITUTIONAL naturalization when it is done to  
45 people in a territory or possession that REMAINS a territory or possession and not a CONSTITUTIONAL state. On the  
46 other hand, when or if that territory becomes a CONSTITUTIONAL state, these same territorial STATUTORY "citizens"  
47 must AGAIN be collectively naturalized, but this time it is a CONSTITUTIONAL naturalization rather than a STATUTORY  
48 naturalization. When states join the Union under the Constitution, they convert from territories to CONSTITUTIONAL

States and the people in them are CONSTITUTIONALLY naturalized by act of congress, and that naturalization is the equivalent of that found in 8 U.S.C. §1421. Here is the proof from the Boyd case footnoted from in Ly Shew above:

*It is too late at this day to question the plenary power of Congress over the Territories. As observed by Mr. Justice Matthews, delivering the opinion of the court in [Murphy v. Ramsey, 114 U.S. 15, 44](#): "It rests with Congress to say whether, in a given case, any of the people, resident in the 170\*170 Territory, shall participate in the election of its officers, or the making of its laws; and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it as it may deem expedient. **The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom that Constitution was ordained, and to whom by its terms all power not conferred by it upon the government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, state and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States**.... If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion cannot be avoided, that the act of Congress here in question is clearly within that justification."*

*Congress having the power to deal with the people of the Territories in view of the future States to be formed from them, there can be no doubt that in the admission of a State a collective naturalization may be effected in accordance with the intention of Congress and the people applying for admission.*

*Admission on an equal footing with the original States, in all respects whatever, involves equality of constitutional right and power, which cannot thereafter be controlled [by STATUTES of congress], and it also involves the adoption as citizens of the United States of those whom Congress makes members of the political community, and who are recognized as such in the formation of the new State with the consent of Congress.*

*[Boyd v. Nebraska, 143 U.S. 135 (1892); SOURCE:*

*[https://scholar.google.com/scholar\\_case?case=18118755496880257167](https://scholar.google.com/scholar_case?case=18118755496880257167)]*

They don't say this either, but if a CONSTITUTIONAL state leaves the Union as they did in the civil war, its citizens become foreign nationals. If that state is then recaptured through armed force as it was in the Civil War, the state becomes a territory and the citizens revert back to being privileged territorial citizens until the state votes to rejoin the Union.

The following aspect of the above case was later overruled in Downes v. Bidwell, where they concluded that the Constitution DOES NOT by default apply in federal territory and only applies in constitutional states, and that Congress must expressly extend its application to a specific territory in order for it to apply:

*"The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, state and national;"*

To summarize what we have learned in this section from examining the relationship between territories and states of the Union:

1. Possessions and Territories are listed in Title 48 of the U.S. Code.
2. Federal territories are STATUTORY "States" under 4 U.S.C. §110(d) and under most acts of Congress.
3. There are no territories left. Puerto Rico used to be a territory but subsequently became a possession.
4. CONSTITUTIONAL states of the Union are foreign and alien in relation to STATUTORY "States".
5. CONSTITUTIONAL citizens or nationals are CIVILLY FOREIGN in relation to federal territories and possessions.
6. "non-citizen national of the United States\*\*" under 8 U.S.C. §1408 from a possession is an ALIEN within a constitutional state and can be deported if he commits crimes, but ONLY if an act of Congress expressly identifies them as aliens. Otherwise they are presumed to NOT be "aliens", REGARDLESS of whether they are ALSO STATUTORY "nationals" or not. *Rabang v. Boyd*, 353 U.S. 427 (1957). An example of such a possession is American Samoa or Swain's Island. The Philippines also used to be a possession but was later emancipated.
7. 8 U.S.C. §1408 "U.S. national" status is a revocable privilege and franchise granted legislatively by Congress and originating from the naturalization powers of Congress. See Form #05.006, Section 6.8.
8. STATUTORY "national" status is a component of being EITHER a STATUTORY "citizen" or a STATUTORY "non-citizen national of the United States\*\*" under 8 U.S.C. §1408.



9. When a possession is granted independence, it's inhabitants convert from "non-citizen nationals of the United States\*\*" to BOTH STATUTORY aliens and CONSTITUTIONAL aliens in relation to the national government.
10. Territorial citizens under 8 U.S.C. §1402 are much more complicated than all the others.
- 10.1. An example of such a party is someone born in Puerto Rico.
- 10.2. 26 U.S.C. §2209 identifies Puerto Ricans as "nonresidents not a citizen of the United States" as follows:

26 U.S. Code § 2209. Certain residents of possessions considered nonresidents not citizens of the United States

*A decedent who was a citizen of the United States and a resident of a possession thereof at the time of his death shall, for purposes of the tax imposed by this chapter, be considered a "nonresident not a citizen of the United States" within the meaning of that term wherever used in this title, but only if such person acquired his United States citizenship solely by reason of (1) his being a citizen of such possession of the United States, or (2) his birth or residence within such possession of the United States.*

[SOURCE: <https://www.law.cornell.edu/uscode/text/26/2209>]

We can see based on the above that "United States" within the Internal Revenue Code definitely does NOT include federal territory or possessions and is not within the geographical definition found at 26 U.S.C. §7701(a)(9) and (a)(10). That is why we conclude in Form #05.020 that "United States" means the GOVERNMENT or the corporate "United States" as a legal person, rather than a specific geography for the purposes of "income from sources within the United States".

- 10.3. The U.S. Supreme Court ruled in *Gonzales v. Williams*, 192 U.S. 1 (1904) that such parties are NOT CONSTITUTIONAL "aliens", but did so not by looking at whether they were CONSTITUTIONAL "nationals", but whether Congress made them CONSTITUTIONAL "aliens" or not. Therefore, CONSTITUTIONAL "nationals" and STATUTORY "nationals" are NOT synonymous and their relationship is defined by statute, and not organic law. By default, at least, we can say that they are foreign and alien in relation to each other, but Congress can alter that by statute.

*Counsel for the Government contends that the test of Gonzales' rights was citizenship of the United States and not alienage. We do not think so, and, on the contrary, are of opinion that if Gonzales were not an alien within the act of 1891, the order below was erroneous.*

*Conceding to counsel that the general terms "alien," "citizen," "subject," are not absolutely inclusive, or completely comprehensive, and that, therefore, neither of the numerous definitions of the term "alien" is necessarily controlling, we, nevertheless, cannot concede, in view of the language of the treaty and of the act of April 12, 1900, that the word "alien," as used in the act of 1891, embraces the citizens of Porto Rico.*

*We are not required to discuss the power of Congress in the premises; or the contention of Gonzales' counsel that the cession of Porto Rico accomplished the naturalization of its people; or that of Commissioner Degetau, in his excellent argument as amicus curiae, that a citizen of Porto Rico, under the act of 1900, is necessarily a citizen of the United States. The question is the narrow one whether Gonzales was an alien within the meaning of that term as used in the act of 1891.*

[*Gonzales v. Williams*, 192 U.S. 1 (1904); SOURCE:

[https://scholar.google.com/scholar\\_case?case=3548906209356414010](https://scholar.google.com/scholar_case?case=3548906209356414010)]

- 10.4. In most cases, as in the present, those from Puerto Rico are NOT designated as CONSTITUTIONAL aliens, but that condition is NOT a result of their citizenship. As such, they are treated as being neither STATUTORY "aliens" nor "CONSTITUTIONAL "aliens" and cannot therefore be deported if they are physically in a CONSTITUTIONAL state and commit a crime.

11. When territories become CONSTITUTIONAL states, Congress "collectively naturalizes" everyone in the territory by legislative act to convert them from POLITICAL/TERRITORIAL "citizens" to POLITICAL/CONSTITUTIONAL "citizens". This converts their POLITICAL citizenship from a STATUTORY privilege to a CONSTITUTIONAL right.
12. The "citizens" and "residents" mentioned in the Internal Revenue Code are CIVIL and not POLITICAL. Hence, states of the Union are FOREIGN and ALIEN in relation to these people. See section 6 later.

One of our members, based on 26 U.S.C. §2209 mentioned above, asserts the following about Puerto Ricans and territorial citizenship generally. We don't agree with his assessment, but we did want to give you a balanced perspective on the subject:

*In 26 C.F.R. §1.1-I(c), they use "United States" in its political sense as a country and its geographical sense as federal territory at same time. They use "non-resident not a citizen of the United States" in 26 U.S.C. §2209 to describe Puerto Ricans so they don't have to call them "nonresident aliens" even though they are.*

1 *It is incumbent to know that you are a POLITICAL citizen as a "state national", and that this status is found in*  
2 *26 C.F.R. §1.1-1(c), and that is also described in 26 U.S.C. §7701(b)(1)(B). That is why 26 C.F.R. §1.1441-*  
3 *1(c)(3)(ii) defining "nonresident alien INDIVIDUAL" points back to 26 U.S.C. §7701(b)(4)(B) and uses a*  
4 *tautology to avoid admitting that "nationals" in possessions and territories as well as "state nationals" are also*  
5 *"nonresident aliens".*

6 *Puerto Rico is in the same political sense as 50 states, because both Puerto Ricans and "state nationals" owe*  
7 *allegiance to the same entity. Allegiance is non-geographical. That is why in 42 U.S.C. §1301 under the Social*  
8 *Security Act says those in American Samoa are "U.S. citizens" for purposes of the Social Security. They are*  
9 *referring to "United States" in its political/CONSTITUTIONAL sense, rather than domicile or the*  
10 *civil/STATUTORY sense. They want get you to waive your state domicile.*

11 *The only loose end I have is which "citizen" is the one on the SS-5 Social Security Application. Is it a*  
12 *CONSTITUTIONAL/POLITICAL citizen or a STATUTORY/CIVIL citizen? I tried going into the Social Security*  
13 *Office and marking "Other" in Block 5 on the last SS-5 I submitted. They wouldn't let me do it and rejected the*  
14 *form. That is criminal witness tampering, of course. I suspect "Other" is safe, but they wouldn't give me a*  
15 *straight answer or accept the form with that checked. The only other option they left me with was NO Block 5*  
16 *election. In other words, leave Block 5 BLANK, in order to avoid declaring yourself a "citizen".*

17 The above member has a master's degree, is an Air Force pilot, and a commercial pilot, and has delved DEEP into the legality  
18 of the income tax and especially citizenship. He was the author, in fact, of most of our [Citizenship Diagrams](#), Form #10.010.  
19 So we did want you to hear his view on the subject of citizenship. By the way, he files Form 1040NR annually and  
20 successfully and has for decades, even though he lives in a state of the Union.

21 Other members have suggested that "state nationals" ALSO have to naturalize as STATUTORY "citizens of the United  
22 States\*\*", per the following:

Act of congress, April 14, 1802 (2 Stat 153)  
<https://enacademic.com/dic.nsf/enwiki/7657423>

23 See THIS case involving that act:

[City of Minneapolis v. Reum](https://law.resource.org/pub/us/case/reporter/F/0056/0056.f1.0576.pdf), Circuit Court of Appeals, Eighth Circuit, May 29, 1803, No. 211  
<https://law.resource.org/pub/us/case/reporter/F/0056/0056.f1.0576.pdf>

24 One member said on the subject of the above case the following:

25 *In the case above, the mere fact that Frederick Reum had voted in elections in Minnesota was not sufficient to*  
26 *establish he was a "citizen of the United States". Recall that the only qualification for voting is DOMICILE in*  
27 *the locality you are voting in most cases. Of course in the above case, the man WANTED to be a citizen of the*  
28 *United States. When the "government" wants YOU to be a "citizen" for THEIR purposes, a PRESUMPTION will*  
29 *do. From 1921-1936 they put the question "Are you a citizen or resident of the United States?" on 1040 in order*  
30 *to create a PRESUMPTION of "U.S.\*\* citizen" or "U.S.\*\* resident alien" status for anyone answering "yes" to*  
31 *that question. The presumption created by checking that box eventually became the subject of Cook v. Tait, 265*  
32 *U.S. 47 (1924).*

33 *By 1937, most Americans had Social Security Numbers, so they used THAT to create the presumption, and this*  
34 *status would be conceded by the taxpayer every time he filed a Form 1040. From 1937 on the 1040 was a "United*  
35 *States Individual" form, where it was only an "Individual" form before that. The question was no longer asked*  
36 *on the form, because the very choice of that 1040 form was a declaration of "U.S. person" status in 26 U.S.C.*  
37 *§7701(a)(30).*

38 *My point is that I don't think an American national can BE a citizen of the United States without naturalizing per*  
39 *the 1802 naturalization act. The status of citizen can only be PRESUMED from SSN or declared by the taxpayer*  
40 *himself by filing Form 1040. Either way, the government doesn't question it because it makes them a lot of money.*

41 *This may be why the IMF indicates (with the VAL CODE) that the SSN is not the proper number for the person*  
42 *using it, as though it is has been misappropriated by the person using it. This may be due to the IRS presumption*  
43 *of the SSN belonging to a "citizen of the United States\*\*" per Treasury Regulations, at least until they are*  
44 *informed of the foreign status for the number.*

45 *To re-emphasize: the term "citizen of the United States" is used as early as 1802 in that naturalization act. It*  
46 *may not be expressly defined there, but context and grammar indicates it is a federal designation--a subject*  
47 *BELONGING to the federal United States\*\* RATHER than a state of the Union.*

1 Lastly, if you would like an excellent history of the extraterritorial application of the protections of the Constitution outside  
2 of CONSTITUTIONAL states of the Union, we highly recommend the following case. The case doesn't, however, discuss  
3 the extraterritorial reach of the Fourteenth Amendment to territories, unfortunately:

*Boumediene v. Bush*, 553 U.S. 723 (2008)  
[https://scholar.google.com/scholar\\_case?case=913322981351483444](https://scholar.google.com/scholar_case?case=913322981351483444)

#### 4 **1.6.6 “Citizen\*” and “Citizen\*\*+D” and “Citizenship”**

5 In the context of this entire website:

- 6 1. The term Citizen\* means a citizen who has NATIONALITY and is therefore a "NATIONAL" under [8 U.S.C. §1101\(a\)\(21\)](#). This is equivalent to all uses of the phrase "CONSTITUTIONAL citizen" on this website in the case of  
7 American national born or naturalized within the exclusive jurisdiction of a state mentioned in the Union.
- 8 2. The term Citizen\*\*+D means a citizen who has NATIONALITY and who ALSO has a domicile in a specific  
9 geographical place within the NATION United States\*. This person is a CIVIL statutory "citizen". On this site, we refer  
10 to this "citizen" as a STATUTORY citizen or a CIVIL citizen or a DOMICILED citizen.  
11

12 Within civil statutory law, the term "citizen" involves the complex interplay between NATIONALITY and DOMICILE, as  
13 pointed out by the U.S. Supreme Court below:

14 *In Udney v. Udney*, (1869) L.R. 1 H.L. Sc. 441, the point decided was one of inheritance, depending upon the  
15 question whether the domicile of the father was in England or in Scotland, he being in either alternative a British  
16 subject. Lord Chancellor Hatherley said: "The question of naturalization and of allegiance is distinct from that  
17 of domicil." p. 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by  
18 saying: "The law of England, and of almost all civilized countries, ascribes to each individual at his birth two  
19 distinct legal states or conditions: one, by virtue of which he becomes the subject of some particular country,  
20 binding him by the tie of natural allegiance, and which may be called his political status; another, by virtue of  
21 which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of  
22 certain municipal rights, and subject to certain obligations, which latter character is the civil status or  
23 condition of the individual, and may be quite different from his political status." And then, while maintaining  
24 that the civil status is universally governed by the single principle of domicil, domicilium, the criterion  
25 established by international law for the purpose of determining civil status, and the basis on which "the  
26 personal rights of the party, that is to say, the law which determines his majority or minority, his marriage,  
27 succession, testacy or intestacy, 657\*657 must depend;" he yet distinctly recognized that a man's political  
28 status, his country, patria, and his "nationality, that is, natural allegiance," "may depend on different laws in  
29 different countries." pp. 457, 460. He evidently used the word "citizen," not as equivalent to "subject," but  
30 rather to "inhabitant;" and had no thought of impeaching the established rule that all persons born under  
31 British dominion are natural-born subjects.

32 [*U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898);  
33 SOURCE: [https://scholar.google.com/scholar\\_case?case=3381955771263111765/](https://scholar.google.com/scholar_case?case=3381955771263111765/)]

34 "Political status" above is synonymous with NATIONALITY. Nationality (political status) = citizenship + allegiance .  
35 Citizenship relates to the body politic per [8 C.F.R. §337.1](#).

##### 36 **1.6.6.1 Nationality v. Domicile**

37 Below is a summary of the interplay between "nationality" and "domicile":

- 38 1. Nationality:
  - 39 1.1. Is a political status.
  - 40 1.2. Is NONGEOGRAPHICAL. You can have ALLEGIANCE ANYWHERE you physically are.
  - 41 1.3. Is not necessarily consensual or discretionary. For instance, acquiring nationality by birth in a specific place was  
42 not a matter of choice whereas acquiring it by naturalization is.
  - 43 1.4. Is defined by the Constitution, which is a political document.
  - 44 1.5. Is synonymous with being a “national” within statutory law.
  - 45 1.6. Is associated with a specific COUNTRY.
  - 46 1.7. Is called a “political citizen” or a “citizen of the United States in a political sense” by the courts to distinguish it  
47 from a STATUTORY citizen. See *Powe v. United States*, 109 F.2d. 147 (1940).

2. Domicile:

- 2.1. Is a civil status.
- 2.2. Is ALWAYS GEOGRAPHICAL. You can't have a domicile that is NOT tied to a specific physical geographical place.
- 2.3. Is ALWAYS tied to definitions relating to the GEOGRAPHICAL context for the word used. For instance "U.S. person" in [26 U.S.C. §7701\(a\)\(30\)](#).
- 2.4. Always requires your consent and therefore is discretionary. See:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
- 2.5. Is not even addressed in the constitution.
- 2.6. Is defined by civil statutory law RATHER than the constitution.
- 2.7. Is in NO WAY connected with one's nationality.
- 2.8. Is usually connected with the word "person", "citizen", "resident", or "inhabitant" in statutory law.
- 2.9. Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
- 2.10. Implies one is a "SUBJECT" of a SPECIFIC MUNICIPAL but not NATIONAL government.

Nationality and domicile, TOGETHER determine the political/CONSTITUTIONAL AND civil/STATUTORY status of a human being respectively. These important distinctions are recognized in Black's Law Dictionary:

*"nationality – That quality or character which arises from the fact of a person's belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil [statutory] status. Nationality arises either by birth or by naturalization."*  
[Black's Law Dictionary (6th ed. 1990), p. 1025]

The U.S. Supreme Court also confirmed the above when they held the following. Note the key phrase "political jurisdiction", which is NOT the same as legislative/statutory jurisdiction. One can have a political status of "citizen" under the constitution while NOT being a "citizen" under federal statutory law because not domiciled on federal territory. To have the status of "citizen" under federal statutory law, one must have a domicile on federal territory:

*"This section [of the Fourteenth Amendment] contemplates two sources of citizenship, and two sources only, - birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."*  
[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

*"This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same way, and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and their condition as to the duties and burdens of Government are undistinguishable."*  
[Fong Yue Ting v. United States, [149 U.S. 698](#) (1893) ]

Notice in the last quote above that they referred to a foreign national born in another country as a "citizen". THIS is the REAL "citizen" (a domiciled foreign national) that judges and even tax withholding documents are really talking about, rather than the "national" described in the constitution.

According to the U.S. Supreme Court, POLITICAL citizen and therefore NATIONAL is the PRINCIPAL type of citizen used in everyday speech and in the political departments of the government:

*In the Constitution the term state most frequently expresses the combined idea just noticed, of people, territory, and government. A state, in the ordinary [PRINCIPAL] sense of the Constitution, is a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed. It is the union of such states, under a common constitution, which forms the distinct and greater political unit, which that Constitution*

designates as the United States, and makes of the people and states which compose it one people and one country.

*The use of the word in this sense hardly requires further remark. In the clauses which impose prohibitions upon the States in respect to the making of treaties, emitting of bills of credit, and laying duties of tonnage, and which guarantee to the States representation in the House of Representatives and in the Senate, are found some instances of this use in the Constitution. Others will occur to every mind.*

*But it is also used in its geographical sense, as in the clauses which require that a representative in Congress shall be an inhabitant of the State in which he shall be chosen, and that the trial of crimes shall be held within the State where committed.*

And there are instances in which the principal sense of the word seems to be that primary one to which we have adverted, of a people or political community, as distinguished from a government.

*In this latter sense the word seems to be used in the clause which provides that the United States shall guarantee to every State in the Union a republican form of government, and shall protect each of them against invasion.*

*In this clause a plain distinction is made between a State and the government of a State.*

*[Texas v. White, 74 U.S. 700 (1869);*

*SOURCE: [https://scholar.google.com/scholar\\_case?case=1134912565671891096](https://scholar.google.com/scholar_case?case=1134912565671891096) ]*

### 1.6.6.2 Citizen\*\*+D: Domiciled citizen\*

However, within civil statutory law and especially in the context of taxation, the term "citizen" is also often used in connection with DOMICILE as well. Thus, it adds the GEOGRAPHICAL context to the POLITICAL context. This is true, for instance, in [26 U.S.C. §7701\(a\)\(30\)](#):

#### Sec. 7701. – Definitions

(a)(30) United States person

The term "United States person" means –

(A) a citizen or resident of the United States,

(B) a domestic partnership,

(C) a domestic corporation,

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

(E) any trust if –

(i) a court within the United States is able to exercise primary supervision over the administration of the trust, and

(ii) one or more United States persons have the authority to control all substantial decisions of the trust.

In the above context which ADDS domicile, to the principal POLITICAL sense, we refer to this sense as "Citizen\*\*+D". The above "citizen of the United States" is used mainly in its GEOGRAPHICAL and not POLITICAL sense. Although the POLITICAL sense is the principal sense according to the U.S. Supreme Court in [Texas v. White, 74 U.S. 700 \(1869\)](#), this statutory context instead is the GEOGRAPHICAL sense tied to domicile rather than nationality or political status because:

1. [26 C.F.R. §1.1-1\(c\)](#) relates to POLITICAL status only, because it references birth or naturalization rather than domicile. Thus, the "citizen" referenced is a political member but not a domiciled party.
2. Those born within the exclusive jurisdiction of a constitutional state are political citizens as conferred by the Fourteenth Amendment. As such, they are also "U.S. nationals" per [22 C.F.R. §51.2](#).
3. Puerto Ricans are citizens of the United States in its political sense (Cf. [26 C.F.R. §1.1-1\(c\)](#)) but they are not statutory "United States persons". Instead, they are called "nonresidents, not a citizen of the United States" for the purposes of title 26. See [26 U.S.C. §2209](#).



4. Additionally, a foreign national cannot be a resident of a body politic. They can only be resident within a geographical jurisdiction.
5. Territories and possessions are foreign countries under [26 C.F.R. §301.7701\(b\)-2](#).
6. [26 U.S.C. §7701\(a\)\(39\)](#) says if any CIVIL citizen or resident is not in a United States judicial district, they will be treated AS IF they are domiciled in D.C.
7. [26 U.S.C. §7408\(d\)](#) says if any CIVIL citizen or resident is not in a United States judicial district, they will be treated AS IF they are domiciled in D.C.
8. [26 U.S.C. 931-937](#) place territories and possessions WITHOUT the United States. Clearly they are talking about geographical jurisdiction because:
  - 8.1. They are not part of the federal system.
  - 8.2. They are WITHIN the national body politic.
  - 8.3. Puerto Rico is without the domestic federal jurisdiction...just like the jurisdiction of the 50 states are!
9. [26 U.S.C. §873](#) recognizes "nationals of the United States" as "nonresident alien individuals". All POLITICAL citizens are "nationals of the United States".
10. [22 C.F.R. §51.2](#) recognizes all recipients of US passports as "U.S. nationals". If you have a U.S. Passport of have ever gotten one, you are a "U.S. national", meaning that you have NATIONALITY as a Citizen\*N but not necessarily DOMICILE as a Citizen\*\*+D.
11. "U.S. nationals" have repeatedly been recognized as nonresident aliens on the 1040NR tax return.
12. Income tax is based ENTIRELY upon domicile according to the U.S. Supreme Court, which is geographical and NOT political.

[Lawrence v. State Tax Commission, 286 U.S. 276 \(1932\)](#)

SOURCE: [https://scholar.google.com/scholar\\_case?case=10241277000101996613](https://scholar.google.com/scholar_case?case=10241277000101996613)

13. I am neither domiciled in the statutory geographical "United States" nor representing an entity or office that is so domiciled under [Federal Rule of Civil Procedure 17\(b\)](#).
14. More like the above at:

[Tax Return History: Citizenship](#), Family Guardian Fellowship

<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

Therefore, the conclusion is inevitable that:

1. "United States" as used in [26 C.F.R. §1.1-1\(c\)](#) is its political sense. This is because the word "citizen" is connected with "born or naturalized" instead of mere DOMICILE or RESIDENCE.
2. "United States" in [26 U.S.C. §7701](#) is the GEOGRAPHICAL sense. This is confirmed by 26 C.F.R. §301.7701(b)-1(b).
3. The political sense is NON-GEOGRAPHICAL.
4. Domicile is always geographical.

If you go to a bank and the bank wants you to explain why you are a nonresident alien or why you are the "citizen" mentioned in [26 C.F.R. §1.1-1\(c\)](#) but not THE "citizen" mentioned in 26 U.S.C. 7701(a)(30), you can use the above to prove it.

This proves, for instance, that NOT ALL instances of "citizen of the United States", should be interpreted ONLY in their geographical context or even NATIONAL context as most people erroneously do because of their legal ignorance. If you think about it, the world thinks the geographical sense is the principal and ONLY sense for the term "citizen of the United States", because that is all they have ever known or seen. And when lawyers or judges or legislators use the term "citizen of the United States", they don't tell you what the principal sense is they PRESUME, or whether the term also includes domicile. They just say, "...when used in a geographical sense..." then everyone acts presumptuously and waives their rights--rights protected by the foreign status most American nationals have by virtue of the separation of powers between the states and the national government as described by:

[Government Conspiracy to Destroy the Separation of Powers Doctrine](#), Form #05.023

<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

#### **1.6.6.3 Why this information is important**

An understanding of these concepts and distinctions is therefore CRUCIAL to avoid being:

***Why You Are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien***

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

1. Labeled as FRIVOLOUS by a judge or the IRS.
2. Sanctioned in a court of law by a judge.
3. Penalized administratively as frivolous by the IRS.
4. Labeled a "sovereign citizen".
5. Unknowingly DESTROYING the separation of legislative powers that is the MAIN protection for our constitutional rights!

For instance, it is considered a frivolous position by the IRS for someone born within the exclusive jurisdiction of a constitutional state to claim that they are not "THE citizen" mentioned in [26 C.F.R. §1.1-1\(c\)](#).

The Truth About Frivolous Tax Arguments, IRS, Sections C.1 and C.2

<https://www.irs.gov/privacy-disclosure/the-truth-about-frivolous-arguments-section-i-a-to-c#contentionc1>

Notice that in C1, they put "citizen" in quotes, which is what is defined at [26 C.F.R. §1.1-1\(c\)](#). Denying as a state national or American National that you don't have that status is frivolous. Demonstrating oneself to NOT be in the [26 U.S.C. §7701\(a\)\(30\)\(A\)](#) STATUTORY "U.S. person" subclass is both simple and easy and involves nothing remotely close to any frivolous position. In C2, they forthrightly say that asserting DC, territories, and enclaves is what is meant by the "United States" is also frivolous. Embracing the jurisdictions of the 50 States as together forming an integral, domestic jurisdiction can in no way ever be construed as frivolous. Likewise, asserting that the civil jurisdiction of each State is distinct and therefore foreign from the civil jurisdiction of the "United States" cannot in any possible distortion be regarded as frivolous.

Thus, you can see that there is MUCH government equivocation surrounding the use of the word "citizen". It seems OBVIOUS to us that they INTEND for EVERYONE to be uninformed about how to AVOID this equivocation because it protects their MAIN source of CIVIL jurisdiction and unconstitutionally ENLARGES what is actually the VERY limited civil legislative power of the national government everywhere in the country. For instance, if the ONLY type of jurisdiction most federal judges have within the exclusive jurisdiction of a state is POLITICAL jurisdiction that confers NO CIVIL ENFORCEMENT power whatsoever within the exclusive jurisdiction of a constitutional state, then they have to use equivocation to DECEIVE you into believing that POLITICAL jurisdiction and CIVIL jurisdiction are synonymous in order to unlawfully enlarge their jurisdiction, importance, and revenue. See:

Political Jurisdiction, Form #05.004

<https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf>

We must REMEMBER, however, that judges may not lawfully entertain "POLITICAL QUESTIONS". Therefore, any dispute before them which involves POLITICAL jurisdiction must be DISMISSED and can never be the origin of CIVIL ENFORCEMENT AUTHORITY!

Equivocation, in turn, is a logical fallacy that is ENGINEERED to deceive and enslave you. Equivocation of this kind ALWAYS involves:

1. Abuse of a word that has multiple contexts.
2. A failure to define all the possible contexts used in the statute.
3. A REFUSAL to disclose which specific context is implied in every specific use.
4. Doing all the above in order to fool you into PRESUMING that ALL contexts are equivalent.
5. Deceiving you into believing that all contexts are equivalent. Thus, they are deceiving you into believing that the government has far more jurisdiction and power than it actually HAS by law.

This underscores the ABSOLUTE importance of understanding the context in each use of the word "citizen" in any and every statutory use. In our experience, you can quickly end all dispute, deception, penalties, and frivolous accusations over the relating to your use of the term "citizen" by simply labelling and describing the context described here in every use of the word when communicating with the government on a government form. Similar arguments apply to the use of "United States" mentioned in the previous section.

#### 1.6.6.4 Citizenship

A closely related word is "citizenship":

*citizenship. The status of being a citizen. There are four ways to acquire citizenship: by birth in the United States, by Birth in U.S. territories, by birth outside the U.S. to U.S. parents, and by naturalization. See Corporate citizenship; Diversity of citizenship; Dual citizenship; Federal citizenship; Naturalization; Jus sanguinis; Jus soli.*  
[Black's Law Dictionary, Sixth Edition, p. 244]

"Citizenship" is component of "political status" along with allegiance. It is synonymous with MEMBERSHIP in a political community. It is NOT, however, in any way related to DOMICILE or "civil status". Citizenship is conferred AFTER taking an oath of naturalization consistent with [8 C.F.R. §337.1](#). When citizenship has been conferred after the oath of allegiance is taken, you end up with NATIONALITY.

Upon close inspection of Wong Kim Ark above, you will see that political citizenship is the common link between political status and civil status.

1. Political status=citizen\* + allegiance. See [8 C.F.R. §337.1](#).
2. Civil status=citizen\* + domicile=citizen\*\*+D.

Political status asks: Are you a member of this home, and are you faithful to the family?

Civil status asks: Are you a member of the home, and in what room do you live?

Two very different issues, which when considered TOGETHER, paint the complete picture.

#### **1.6.6.5      Political Status v. Civil Status**

Some other very important points need to be made about the distinctions between POLITICAL STATUS and CIVIL STATUS:

##### **1. POLITICAL STATUS**

- 1.1. Citizen\*=political status=nationality.
- 1.2. There is no infirmity whatsoever involved with having a POLITICAL STATUS or NATIONALITY since it is not and cannot be the origin of any enforceable obligation in any court that we have ever found.
- 1.3. POLITICAL STATUS is NEVER called "LEGAL STATUS".

##### **2. CIVIL STATUS**

- 2.1. Citizen\*\*+D is the DEFAULT status in all civil statutory law.
  - 2.2. All legally enforceable CIVIL STATUTORY obligations, including TAX obligations, attach to one's CIVIL STATUS and NEVER to POLITICAL STATUS.
  - 2.3. CIVIL STATUS is also called LEGAL STATUS.
  - 2.4. DOMICILE is a PREREQUISITE to having a CIVIL STATUS.
  - 2.5. DOMICILE and NOT POLITICAL STATUS is the origin of ALL civil statutory enforcement authority within any court. See [Federal Rule of Civil Procedure 17\(b\)](#).
  - 2.6. ALL of your troubles with government CIVIL enforcement ALWAYS start with voluntarily selecting a DOMICILE, and thus becoming obligated to obey obligations within the CIVIL STATUTORY law.
3. You will look like a complete, frivolous, insane idiot if you argue about NOT having a POLITICAL STATUS, since it can carry no court enforceable CIVIL legal obligations for a NATIONAL of the Country United States\*. POLITICAL STATUS comes with MORAL obligations, but never CIVIL LEGAL obligations for NATIONALS having NATIONALITY.
  4. If you are an ALIEN (foreign national), you have a FOREIGN political status and are in a PRIVILEGED state. Thus:
    - 4.1. You are subject to government CIVIL STATUTORY control and regulation anywhere in the COUNTRY "United States\*". This is confirmed by the Presence Test in [26 U.S.C. §7701\(b\)](#), which is applicable ONLY to "alien individuals".
    - 4.2. ONLY in the case of aliens in a foreign country do DOMICILE and NATIONALITY (foreign nationality) coincide. For nationals, they NEVER coincide or go together.

#### **1.6.6.6      Using this information to be LEFT ALONE and maximize your liberty**

If you have NATONALITY in the country "United States\*" and simply want to be LEFT alone, which is what [legal "justice"](#) is defined as, and never targeted with CIVIL enforcement, the simple way out is to:

1. NEVER select a domicile and thus to AVOID all CIVIL STATUSES.
2. Write "NO domicile or residence" on every government form that asks for your "permanent address" or domicile.
3. By doing the above, thus becoming a "nonresident", "transient foreigner", and "idiot". See:
  - 3.1. [Are You an "Idiot"?](#), SEDM  
<https://sedm.org/are-you-an-idiot-we-are/>
  - 3.2. [My Preferred Pronouns](#), SEDM  
<https://sedm.org/my-preferred-pronouns/>

A person who does all the above has MAXIMUM [civil liberty \(Form #10.002\)](#) and forfeits NO rights by joining the civil social compact as a LEGAL member and a Citizen\*\*+D, because:

1. They have no DOMICILE.
2. They have NO "[civil status](#)". See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
3. They are "civilly dead".
4. They are protected ONLY by the criminal law and the common law and NEVER the CIVIL STATUTORY law.
5. They are NOT "anarchists" because they are STILL subject to the COMMON law an CRIMINAL law just like everyone else. See:

[Problems with Atheistic Anarchism Course](#), Form #08.020  
SLIDES: <https://sedm.org/Forms/08-PolicyDocs/ProbsWithAtheistAnarchism.pdf>  
VIDEO: <http://youtu.be/n883CeIIML0>

6. They are referred to on this website as Citizen\*N.
7. They can only litigate as a EQUAL in EQUITY against the government, rather than an INFERIOR who is PRIVILEGED. See:

[Hot Issues: Common law and Equity Litigation\\*\\*](#), SEDM  
<https://sedm.org/common-law-litigation/>

8. The choice of law within every CIVIL dispute must be governed by the following:

[Choice of Law](#), Litigation Tool #01.010  
<https://sedm.org/Litigation/01-General/ChoiceOfLaw.pdf>

9. In every civil dispute with the government, they approach the government as a MERCHANT under [U.C.C. §2-104](#)(1) and NEVER a BUYER under [U.C.C. §2-103](#)(1)(a). They are offering NOTHING BUT PRIVATE, CONSTITUTIONALLY protected property and make ALL the rules governing the use or consumption or "benefit" of that property by the government. This is the SAME thing the government tries to do with you using the ENTIRE CIVIL STATUTORY code, which is a protection franchise that completely destroys your private property and private property in most cases.

The civil statutory law, in fact, implements a PRIVATE MEMBERSHIP ASSOCIATION (PMA) that you have to consensually join. Civil statutes are the "club rules". More on this subject at:

*Hot issues: Self, Family, Church, Local Self Governance, and Private Membership Associations (PMAs)*, Section 2:  
Private Membership Associations (PMAs), SEDM  
<https://sedm.org/self-family-church-and-local-self-governance/>

Every possible type of membership in a CIVIL and LEGAL context which results in the Citizen\*\*+D moniker always has a negative affect on your constitutional and natural rights and therefore must be avoided. Those who avoid all such membership are referred to in civil statutory law as "foreign". See the following both for the consequences of having no domicile (1) and the VERY negative consequences of having one (1 and 2):

1. ["Sovereign"="Foreign"](#), Family Guardian Fellowship  
<https://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm>
2. [Collectivism and How to Resist It Course](#), Form #12.024

<https://sedm.org/LibertyU/Collectivism.pdf>

3. Your Irresponsible, Lawless, and Anarchist Beast Government, Form #05.054

<https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf>

More on the subject of DOMICILE rather than NATIONALITY as the origin of all your enforcement tangles with the government below:

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

<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

Once you understand these nuances about NATIONALITY, DOMICILE, CITIZENSHIP, and how they relate to each other, you will also thoroughly understand why as an American National born within the exclusive jurisdiction of a Constitutional state, it is PERFECTLY lawful to opt out of most income taxes by filing as a nonresident alien FOREIGN person, instead of a CIVIL STATUTORY "U.S person" defined in 26 U.S.C. §7701(a)(30). The process of doing that is described in:

1. Nonresident Alien Position Course, Form #12.045

<https://sedm.org/LibertyU/NRA.pdf>

2. Proof that American Nationals are Nonresident Aliens, Form #09.081

<https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>

3. 1040NR Attachment, Form #09.077

<https://sedm.org/Forms/09-Procs/1040NR-Attachment.pdf>

4. How to File Returns, Form #09.074\*\* (Member Subscriptions)

<https://sedm.org/product/filing-returns-form-09-074/>

5. Procedure to File Returns, Form #09.075\*\* (Member Subscriptions)

<https://sedm.org/product/procedure-to-file-tax-returns-form-09-075/>

6. Non-Resident Non-Person Position, Form #05.020

<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

**1.6.6.7      This is all a Third Rail Issue**

Lastly, clearly understanding the differences between Citizen\* and Citizen\*\*+D is a Third Rail Issue that government is LOATHE to even talk about. This is using equivocation to conflate this issue in order to UNLAWFULLY enlarge their CIVIL jurisdiction is the origin of MOST of their UNJUST tyranny and usurpation from a civil perspective. If you have this understanding, it will be like garlic to vampires or Kryptonite to Superman. Your government opponents will RUN from you and thus REALLY leave you alone. And, if you start every debate about it with this definition, they can NEVER accuse you of being a "sovereign citizen". This site does not promote any aspect of being a "sovereign citizen". More on Third Rail Government Issues at:

Third Rail Government Issues, Form #08.032

<https://sedm.org/Forms/08-PolicyDocs/ThirdRailIssues.pdf>

**1.6.6.8      Summary**

In summary:

1. Citizenship is one's association to a body politic. That's the status of being a "citizen\*".
2. Citizenship + allegiance = nationality (political status)
3. Citizenship + domicile = civil status (i.e., "U.S. person")
4. The "citizen" that pledges allegiance (independent of his domicile) is an American national. They are a "citizen\*".
5. The "citizen\*" of 26 C.F.R. §1.1-1(c) is a citizen\* of the country (call it nation if you want) of the United States. Under this status, neither allegiance nor domicile come into play.
6. The "United States" in its political sense is baked into the term "citizen\*" through the language and context of 26 C.F.R. §1.1-1(c).



- 1 7. The "citizen" of the "United States" (geographical sense) is a "U.S. person" under [26 U.S.C. §7701\(a\)\(30\)](#). This  
2 "citizen\*\*+D" has a tax abode in the jurisdiction of the "United States" (geographical sense within the meaning of [26](#)  
3 [U.S.C. §7701\(a\)\(9\)](#) and (a)(10)).
- 4 8. The "citizen" in [26 C.F.R. §1.1-1](#) then enters into a subclass through the addition of the qualifying "United States\*\*"  
5 geographical meaning being tacked onto the end of the term "citizen" at [26 U.S.C. 7701\(a\)\(30\)\(A\)](#). This is where the  
6 hocus pocus takes place. Nobody realizes that in addition to affirming their national citizenship, they are electing a tax  
7 abode (domicile) for the purposes of taking on the office/property of "U.S. person," which is domiciled in the "state" of  
8 [26 U.S.C. §7701\(a\)\(10\)](#).
- 9 9. The reason this is all confusing is because there is a "United States\*\*" within a "United States\*" for tax purposes.
- 10 10. This needless confusion and complexity is ENGINEERED to deceive people born within the constitutional states into  
11 believing they are "U.S persons" liable for income tax on their WORLDWIDE earnings, rather than correctly believing  
12 they are "nonresident aliens" who only own tax on VOLUNTARILY donated "effectively connected" earnings and  
13 payments only from the government or its instrumentalities, such as federal corporations.

14 The ruse is this: They want people to think they are simply affirming their national citizenship, when in legal reality, elites in  
15 the District of Criminals have constructed a scheme to get people to elect a tax abode (domicile) in the domestic federal  
16 jurisdiction defined as the "United States\*\*" in its geographical sense pursuant to [26 U.S.C. §7701\(a\)\(9\)](#).

17 For a detailed exposition of the above list, see:

<p><a href="#">Tax Status Presentation</a>, Form #12.043 <a href="https://sedm.org/LibertyU/Tax_Status_Presentation.pptx">https://sedm.org/LibertyU/Tax_Status_Presentation.pptx</a></p>
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## 18 2. POLITICAL CITIZENS (Citizens\*) v. CIVIL CITIZENS (Citizens\*\*+D)

19 *"When words lose their meaning [or their CONTEXT WHICH ESTABLISHES THEIR MEANING], people lose*  
20 *their freedom."*  
21 *[Confucius (551 BCE - 479 BCE) Chinese thinker and social philosopher]*

### 22 2.1 Introduction

23 POLITICAL citizenship is a POLITICAL status that designates a person's nationality. On this website, we identify a  
24 POLITICAL citizen as "Citizen\*". POLITICAL citizenship is exclusively a product of birth or naturalization.

25 Political status originates from either the Constitution or Title 8 of the U.S. Code. Title 8 of the U.S. Code is primarily  
26 "political law". We discuss political law and political jurisdiction in:

<p><a href="#">Political Jurisdiction</a>, Form #05.004 <a href="https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf">https://sedm.org/Forms/05-MemLaw/PoliticalJurisdiction.pdf</a></p>
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27 Political jurisdiction applies exclusively to those serving within the political branches of the government, which are the  
28 Executive Branch and the Legislative Branch.

29 CIVIL citizenship, on the other hand, is a CIVIL status that originates from a person's voluntary choice of domicile. In this  
30 ministry, we designate a DOMICILED citizen as "Citizen\*\*+D". CIVIL citizenship is exclusively a product of one's  
31 voluntary choice and intent to make a place a permanent home.

32 No enforceable civil legal obligations attach to the POLITICAL status of Citizen\*. Only DOMICILE in the case of a  
33 Citizen\*\*+D can be the origin of CIVIL statutory obligations. These concepts are described in:

<p><a href="#">Lawfully Avoiding Government Obligations Course</a>, Form #12.040 <a href="https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf">https://sedm.org/LibertyU/AvoidGovernmentObligations.pdf</a></p>
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### 34 2.2 Nationality v. domicile

35 Understanding the distinction between nationality and domicile, in turn, is absolutely critical. Let us review that relationship:

1. Nationality:

- 1.1. Is a political status.
- 1.2. Is NONGEOGRAPHICAL. You can have ALLEGIANCE ANYWHERE you physically are.
- 1.3. Is not necessarily consensual or discretionary. For instance, acquiring nationality by birth in a specific place was not a matter of choice whereas acquiring it by naturalization is.
- 1.4. Is defined by the Constitution, which is a political document.
- 1.5. Is synonymous with being a “national” within statutory law.
- 1.6. Is associated with a specific COUNTRY.
- 1.7. Is called a “political citizen” or a “citizen of the United States in a political sense” by the courts to distinguish it from a STATUTORY citizen. See *Powe v. United States*, 109 F.2d. 147 (1940).

2. Domicile:

- 2.1. Is a civil status.
- 2.2. Is ALWAYS GEOGRAPHICAL. You can't have a domicile that is NOT tied to a specific physical geographical place. It is ALWAYS tied to definitions relating to the GEOGRAPHICAL context for the word used. For instance "U.S. person" in [26 U.S.C. §7701\(a\)\(30\)](#).
- 2.3. Always requires your consent and therefore is discretionary. See:  

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
- 2.4. Is not even addressed in the constitution.
- 2.5. Is defined by civil statutory law RATHER than the constitution.
- 2.6. Is in NO WAY connected with one’s nationality.
- 2.7. Is usually connected with the word “person”, “citizen”, “resident”, or “inhabitant” in statutory law.
- 2.8. Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
- 2.9. Implies one is a “SUBJECT” of a SPECIFIC MUNICIPAL but not NATIONAL government.

Nationality and domicile, TOGETHER determine the POLITICAL AND CIVIL (statutory) status of a human being respectively. These important distinctions are recognized in Black’s Law Dictionary:

*“nationality – That quality or character which arises from the fact of a person's belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil [statutory] status. Nationality arises either by birth or by naturalization.”*  
[Black’s Law Dictionary (6th ed. 1990), p. 1025]

President Barack Obama affirmed our assertions that there are TWO components to your citizenship status at the end of his State of the Union address given on 2/12/2013:

*President Obama Recognizes separate POLITICAL and LEGAL components of citizenship*, Exhibit #01.013  
EXHIBITS PAGE: <http://sedm.org/Exhibits/ExhibitIndex.htm>  
DIRECT LINK: <http://sedm.org/Exhibits/EX01.013.mp4>

The U.S. Supreme Court also confirmed the above when they held the following. Note the key phrase “political jurisdiction”, which is NOT the same as legislative/statutory jurisdiction. One can have a political status of “citizen” under the constitution while NOT being a “citizen” under federal statutory law because not domiciled on federal territory. To have the status of “citizen” under federal statutory law, one must have a domicile on federal territory:

*“This section contemplates two sources of citizenship, and two sources only, birth and naturalization. The persons declared to be citizens are ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof.’ The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”*  
[*U.S. v. Wong Kim Ark*, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

*“This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks*

1 *them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same*  
2 *way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects,*  
3 *his and their condition as to the duties and burdens of Government are undistinguishable."*  
4 [*Fong Yue Ting v. United States, 149 U.S. 698 (1893) ]*

5 Notice in the last quote above that they referred to a foreign national born in another country as a "citizen". THIS is the  
6 REAL "citizen" (a domiciled foreign national) that judges and even tax withholding documents are really talking about, rather  
7 than the "national" described in the constitution.

8 Domicile and NOT nationality is what imputes a CIVIL status under the tax code and a liability for tax. Tax liability is a  
9 civil liability that attaches to civil statutory law, which in turn attaches to the person through their choice of domicile. When  
10 you CHOOSE a domicile, you elect or nominate a protector, which in turn gives rise to an obligation to pay for the civil  
11 protection demanded. The method of providing that protection is the civil laws of the municipal (as in COUNTY) jurisdiction  
12 that you chose a domicile within.

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

22 Later versions of Black's Law Dictionary attempt to cloud this important distinction between nationality and domicile in  
23 order to unlawfully and unconstitutionally expand federal power into the states of the Union and to give federal judges  
24 unnecessary and unwarranted discretion to kidnap people into their jurisdiction using false presumptions. They do this by  
25 trying to make you believe that domicile and nationality are equivalent, when they are EMPHATICALLY NOT. Here is an  
26 example:

27 *"nationality – The relationship between a citizen of a nation and the nation itself, customarily involving*  
28 *allegiance by the citizen and protection by the state; membership in a nation. This term is often used*  
29 *synonymously with citizenship."*  
30 [*Black's Law Dictionary (8th ed. 2004)]*

31 We establish later in section 15.14 that federal courts regard the term "citizenship" as equivalent to domicile, meaning  
32 domicile on federal territory.

33 *"The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R.*  
34 *Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557;"*  
35 [*Black's Law Dictionary, Fourth Edition, p. 310]*

36 Hence:

- 37 1. The term "citizenship" is being stealthily used by government officials as a magic word that allows them to hide their  
38 presumptions about your status. Sometimes they use it to mean NATIONALITY, and sometimes they use it to mean  
39 DOMICILE.
- 40 2. The use of the word "citizenship" should therefore be AVOIDED when dealing with the government because its  
41 meaning is unclear and leaves too much discretion to judges and prosecutors.
- 42 3. When someone from any government uses the word "citizenship", you should:  
43 3.1. Tell them NOT to use the word, and instead to use "nationality" or "domicile".  
44 3.2. Ask them whether they mean "nationality" or "domicile".  
45 3.3. Ask them WHICH political subdivision they imply a domicile within: federal territory or a constitutional state of  
46 the Union.

47 A failure to either understand or apply the above concepts can literally mean the difference between being a government pet  
48 in a legal cage called a franchise, and being a free and sovereign man or woman.

### 49 **2.3 CONTEXT is EVERYTHING in the field of citizenship**

Citizenship terms are defined by the CONTEXT in which they are used. There are TWO contexts: CIVIL and POLITICAL.

Citizenship of the United States is defined by the Fourteenth Amendment and federal statutes, **but the requirements for citizenship of a state generally depend not upon definition but the constitutional or statutory context in which the term is used.** *Risewick v. Davis*, 19 Md. 82, 93 (1862); *Halaby v. Board of Directors of University of Cincinnati*, 162 Ohio St. 290, 293, 123 N.E.2d 3 (1954) and authorities therein cited.

The decisions illustrate the diversity of the term's usage. In *Field v. Adreon*, 7 Md. 209 (1854), our predecessors held that an unnaturalized foreigner, residing and doing business in this State, was a citizen of Maryland within the meaning of the attachment laws. The Court held that the absconding debtor was a citizen of the State for commercial or business purposes, although not necessarily for political purposes. *Dorsey v. Kyle*, 30 Md. 512, 518 (1869), is to the same effect. Judge Alvey, for the Court, said in that case, that 'the term citizen, used in the formula of the affidavit prescribed by the 4th section of the Article of the Code referred to, is to be taken as synonymous with inhabitant or permanent resident.'

Other jurisdictions have equated residence with citizenship of the state for political and other non-commercial purposes. In *re Wehlitz*, 16 Wis. 443, 446 (1863), held that the Wisconsin statute designating 'all able-bodied, white, male citizens' as subject to enrollment in the militia included an unnaturalized citizen who was a resident of the state. 'Under our complex system of government,' the court said, 'there may be a citizen of a state, who is not a citizen of the United States in the full sense of the term.' *McKenzie v. Murphy*, 24 Ark. 155, 159 (1863), held that an alien, domiciled in the state for over ten years, was entitled to the homestead exemptions provided by the Arkansas statute to 'every free white citizen of this state, male or female, being a householder or head of a family \* \* \*'. The court said: 'The word 'citizen' is often used in common conversation and writing, as meaning only an inhabitant, a resident of a town, state, or county, without any implication of political or civil privileges; and we think it is so used in our constitution.' *Halaby v. Board of Directors of University*, *supra*, involved the application of a statute which provided free university instruction to citizens of the municipality in which the university is located. The court held that the plaintiff, an alien minor whose parents were residents of and conducted a business in the city, was entitled to the benefits of that statute, saying: 'It is to be observed that the term, 'citizen,' is often used in legislation where 'domicile' is meant and where United States citizenship has no reasonable relationship to the subject matter and purpose of the legislation in question.'

Closely in point to the interpretation of the constitutional provision here involved is a report of the Committee of Elections of the House of Representatives, made in 1823. A petitioner had objected to the right of a Delegate to retain his seat from what was then the Michigan Territory. One of the objections was that the Delegate had not resided in the Territory one year previous to the election in the status of a citizen of the United States. An act of Congress passed in 1819, 3 Stat. 483 provided that 'every free white male citizen of said Territory, above the age of twenty-one years, who shall have resided therein one year next preceding' an election shall be entitled to vote at such election for a delegate to Congress. An act of 1823, 3 Stat. 769 provided that all citizens of the United States having the qualifications set forth in the former act shall be eligible to any office in the Territory. The Committee held that the statutory requirement of citizenship of the Territory for a year before the election did not mean that the aspirant for office must also have been a United States citizen during that period. The report said: 'It is the person, the individual, the man, who is [221 A.2d 435] spoken of, and who is to possess the qualifications of residence, age, freedom, &c. at the time he offers to vote, or is to be voted for \* \* \*'. Upon the filing of the report, and the submission of a resolution that the Delegate was entitled to his seat, the contestant of the Delegate's election withdrew his protest, and the sitting Delegate was confirmed. *Biddle v. Richard, Clarke and Hall*, Cases of Contested Elections in Congress (1834) 407, 410.

There is no express requirement in the Maryland Constitution that sheriffs be United States citizens. Voters must be, under Article I, Section 1, but Article IV, Section 44 does not require that sheriffs be voters. A person does not have to be a voter to be a citizen of either the United States or of a state, as in the case of native-born minors. In Maryland, from 1776 to 1802, the Constitution contained requirements of property ownership for the exercise of the franchise; there was no exception as to native-born citizens of the State. *Steiner*, Citizenship and Suffrage in Maryland (1895) 27, 31.

The Maryland Constitution provides that the Governor, Judges and the Attorney General shall be qualified voters, and therefore, by necessary implication, citizens of the United States. Article II, Section 5, Article IV, Section 2, and Article V, Section 4. The absence of a similar requirement as to the qualifications of sheriffs is significant. So also, in our opinion, is the absence of any period of residence for a sheriff except that he shall have been a citizen of the State for five years. The Governor, Judges and Attorney General in addition to being citizens of the State and qualified voters, must have been a resident of the State for various periods. The conjunction of the requisite period of residence with state citizenship in the qualifications for sheriff strongly indicates that, as in the authorities above referred to, state citizenship, as used in the constitutional qualifications for this office, was meant to be synonymous with domicile, and that citizenship of the United States is not required, even by implication, as a qualification for this office. The office of sheriff, under our Constitution, is ministerial in nature; a sheriff's function and province is to execute duties prescribed by law. See *Buckeye Dev. Crop. v. Brown &*



*Schilling, Inc., Md., 220 A.2d. 922*, filed June 23, 1966 and the concurring opinion of Le Grand, C. J. in *Mayor & City Council of Baltimore v. State, ex rel. Bd. of Police*, *15 Md. 376, 470, 488-490 (1860)*.

It may well be that the phrase, 'a citizen of the State,' as used in the constitutional provisions as to qualifications, implies that a sheriff cannot owe allegiance to another nation. By the naturalization act of 1779, the Legislature provided that, to become a citizen of Maryland, an alien must swear allegiance to the State. The oath or affirmation provided that the applicant renounced allegiance 'to any king or prince, or any other State or Government.' Act of July, 1779, Ch. VI; Steiner, op. cit. 15. In this case, on the admitted facts, there can be no question of the appellant's undivided allegiance.

The court below rested its decision on its conclusion that, under the Fourteenth Amendment, no state may confer state citizenship upon a resident alien until such resident alien becomes a naturalized citizen of the United States. The court relied, as does not Board in this appeal, upon *City of Minneapolis v. Reum*, 56 F. 576, 581 (8th Cir. 1893). In that case, an alien resident of Minnesota, who had declared his intention to become a citizen of the United States but had not been naturalized, brought a suit, based on diversity of citizenship, against the city in the Circuit Court of the United States for the District of Minnesota under Article III, Section 2 of the United States Constitution which provides that the federal judicial power shall extend to 'Controversies between \* \* \* a State, or the Citizens thereof, and foreign States, Citizens or Subjects.' At the close of the evidence, the defendant moved to dismiss the action for want of jurisdiction, on the [221 A.2d 436] ground that the evidence failed to establish the allegation that the plaintiff was an alien. The court denied the motion, the plaintiff recovered judgment, and the defendant claimed error in the ruling on jurisdiction. The Circuit Court of Appeals affirmed. Judge Sanborn, for the court, stated that even though the plaintiff were a citizen of the state, that fact could not enlarge or restrict the jurisdiction of the federal courts over controversies between aliens and citizens of the state. The court said: 'It is not in the power of a state to denationalize a foreign subject who has not complied with the federal naturalization laws, and constitute him a citizen of the United States or of a state, so as to deprive the federal courts of jurisdiction \* \* \*.'

*Reum* dealt only with the question of jurisdiction of federal courts under the diversity of citizenship clause of the federal Constitution. That a state cannot affect that jurisdiction by granting state citizenship to an unnaturalized alien does not mean it cannot make an alien a state citizen for other purposes. Under the Fourteenth Amendment all persons born or naturalized in the United States are citizens of the United States and of the state in which they reside, but we find nothing in *Reum* of any other case which requires that a citizen of a state must also be a citizen of the United States, if no question of federal rights or jurisdictions is involved. As the authorities referred to in the first portion of this opinion evidence, the law is to the contrary.

Absent any unconstitutional discrimination, a state has the right to extend qualification for state office to its citizens, even though they are not citizens of the United States. This, we have found, is what Maryland has done in fixing the constitutional qualifications for the office of sheriff. The appellant meets the qualifications which our Constitution provides.  
[*Crosse v. Board of Sup'rs of Elections of Baltimore City*, 221 A.2d. 431, 243 Md. 555 (Md., 1966) ]

## 2.4 Comparison of CIVIL “U.S.\*\* citizen\*\*+D” with POLITICAL “U.S.\*\*\* citizen\*” on the subject of voting

In the Jones Act of 1917, also known as the Organic Act of 1917, Congress extended U.S. citizenship to persons then living in Puerto Rico, and to persons born in Puerto Rico thereafter. See Jones Act, 39 Stat. 951 (1917). For voting rights, however, the status of a U.S. citizen living in the U.S. territory of Puerto Rico is not identical to that of a U.S. citizen living in a State. Article IV of the Constitution empowers Congress "to dispose of and make all needful Rules and Regulations respecting the Territory... belonging to the United States." U.S. Const. art. 4, §3. In the Insular Cases, decided in 1901,2 and in a series of subsequent decisions, the Supreme Court has held that because territories such as Puerto Rico belong to the United States but are not "incorporated into the United States as a body politic," *Dorr v. United States*, 195 U.S. 138, 143 (1904); see also *Balzac v. People of Porto Rico*, 258 U.S. 298, 304-05 (1922), Congress's regulation of the territories under Article IV is not "subject to all the restrictions which are imposed upon [Congress] when passing laws for the United States," *Dorr*, 195 U.S. at 142; see also *Jose A. Cabranes, Citizenship and the American Empire* 45-51 (1979); *Juan R. Torruella, The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal* 40 -74 (1985). Congress's power in the territories is not unlimited; territorial regulations must comport with those basic principles "so fundamental [in] nature" that they form "the basis of all free government." *Downes v. Bidwell*, 182 U.S. 244, 291 (1901) (White, J., concurring). But such principles Page 123 of fundamental justice do not incorporate all the mandates of the Bill of Rights. See *Balzac*, 258 U.S. at 304-05; *Dorr*, 195 U.S. at 149; *Territory of Hawaii v. Mankichi*, 190 U.S. 197, 211, 217-18 (1903).

Citizens living in Puerto Rico, like all U.S. citizens living in U.S. territories, possess more limited voting rights than U.S. citizens living in a State. Puerto Rico does not elect voting representatives to the U.S. Congress. It is represented in the House of Representatives by a Resident Commissioner who is "entitled to receive official recognition... by all of the departments of the Government of the United States," but who is not granted full voting rights. See 48 U.S.C. §891; see also *Juan R. Torruella, Hacia Donde vas Puerto Rico?*, 107 Yale L.J. 1503, 1519-20 & n.105 (1998) (reviewing *Jose Trias Monge, Puerto Rico: The Trials of the Oldest Colony in the World* (1997)). In addition, citizens residing in Puerto Rico do not vote for the President and Vice President of the United States. Indeed, the Constitution does not directly confer on any citizens the right to vote in a presidential election.



Article II, section 1 provides instead that "[e]ach state shall appoint, in such manner as the legislature thereof may direct, a number of electors," whose function is to select the President. The Constitution thus confers the right to vote in presidential elections on electors designated by the States, not on individual citizens. See *Bush v. Gore*, 121 S.Ct. 525, 529 (2000). Accordingly, no U.S. citizen, whether residing in a State or territory or elsewhere, has an expressly declared constitutional right to vote for electors in presidential elections. See *McPherson v. Blacker*, 146 U.S. 1, 25 (1892) ("The clause under consideration does not read that the people or the citizens shall appoint, but that 'each state shall....'"). Despite the fact that the Constitution confers the power to appoint electors on States rather than on individual citizens, most U.S. citizens have a limited, constitutionally enforceable right to vote in presidential elections as those elections are currently configured. The States have uniformly exercised their Article II authority by delegating the power to appoint presidential (and vice-presidential) electors to U.S. citizens residing in the State to be exercised in democratic elections. In so delegating the power to appoint electors, States are barred under the Constitution from delegating that power in any way that "violates other specific provisions of the Constitution." *Williams v. Rhodes*, 393 U.S. 23, 29 (1968); see also *Anderson v. Celebrezze*, 460 U.S. 780, 794-95 n.18 (1983). U.S. citizens who are residents of Puerto Rico and the other U.S. territories have not received similar rights to vote for presidential electors because the process set out in Article II for the appointment of electors is limited to "States" and does not include territories. U.S. territories (including Puerto Rico) are not States, and therefore those Courts of Appeals that have decided the issue have all held that the absence of presidential and vice-presidential voting rights for U.S. citizens living in U.S. territories does not violate the Constitution. See *Igartua de la Rosa v. United States*, 32 F.3d. 8, 9-10 (1st Cir. 1994) (per curiam) ("*Igartua I*"); *Attorney General of the Territory of Guam v. United States*, 738 F.2d. 1017, 1019 (9th Cir. 1984) ("Since Guam... is not a state, it can have no electors, and plaintiffs cannot exercise individual votes in a presidential election."); see also *Igartua de la Rosa v. United States*, 229 F.3d. 80, 83-85 Page 124 (1st Cir. 2000) (per curiam) ("*Igartua II*") (reaffirming the holding of *Igartua I*).

The question we face here is a slightly different one -- not whether Puerto Ricans have a constitutional right to vote for the President, but rather whether Equal Protection is violated by the UOCAVA, in that it provides presidential voting rights to former residents of States residing outside the United States but not to former residents of States residing in Puerto Rico. Like the First Circuit, we answer this question in the negative. See *Igartua I*, 32 F.3d. at 10-11. Plaintiff contends that because of the distinctions it draws among various categories of U.S. citizens, the UOCAVA is subject to strict scrutiny under the Equal Protection Clause. Defendants argue in response that application of strict scrutiny is inappropriate, and that the application of strict scrutiny is precluded by the Supreme Court's decision in *Harris v. Rosario*, 446 U.S. 651, 651-52 (1980) (per curiam) (holding that under Article IV, section 3, Congress "may treat Puerto Rico differently from States so long as there is a rational basis for its actions"); see also *Califano v. Gautier Torres*, 435 U.S. 1, 3 n.4 (1978) (per curiam) (suggesting that "Congress has the power to treat Puerto Rico differently and that every federal program does not have to be extended to it"). But see *Lopez v. Aran*, 844 F.2d. 898, 913 (1st Cir. 1988) (Torruella, J., concurring in part and dissenting in part).

Given the deference owed to Congress in making "all needful Rules and Regulations respecting the Territory" of the United States, U.S. Const. art. IV §3, we conclude that the UOCAVA's distinction between former residents of States now living outside the United States and former residents of States now living in the U.S. territories is not subject to strict scrutiny. As then-Judge Ginsburg observed in *Quiban v. Veterans Administration*, 928 F.2d. 1154, 1160 (D.C. Cir. 1991), "[t]o require the government... to meet the most exacting standard of review... would be inconsistent with Congress's '[l]arge powers' [under Article IV] to 'make all needful Rules and Regulations respecting the Territory... belonging to the United States.'" *Id.* (citations omitted). We need not decide, however, the precise standard governing the limits of Congress's authority to confer voting rights in federal elections on former residents of States now living outside the United States while not conferring such rights on former residents of States now living in a U.S. Territory. For we conclude that regardless whether this distinction is appropriately analyzed under rational basis review or intermediate scrutiny, or under some alternative analytic framework independent of the three-tier standard that has been established in *Equal Protection* cases, see *Gautier Torres*, 435 U.S. at 3 n.4 ("*Puerto Rico has a relationship with the United States that has no parallel in our history.*" (quoting *Examining Bd. v. Flores de Otero*, 426 U.S. 572, 596 (1976))), Congress may distinguish between those U.S. citizens formerly residing in a State who live outside the U.S., and those who live in the U.S. territories. The distinction drawn by the UOCAVA between U.S. citizens moving from a State to a foreign country and U.S. citizens moving from a State to a U.S. territory is supported by strong considerations, and the statute is well tailored to serve these considerations. For one thing, citizens who move outside the United States, many of whom are United States military service personnel, might be completely excluded from participating in the election of governmental officials in the United States but for the UOCAVA. In contrast, citizens of a State who move to Puerto Rico may vote in local elections for officials of Puerto Rico's government (as well as for the federal post of Resident Commissioner). In this regard, it is significant to note that in excluding citizens who move from a State to Puerto Rico from the statute's benefits, the UOCAVA treats them in the same manner as it treats citizens of a State who leave that State to establish residence in another State. Had Romeu left New York to become a resident of Florida, he would similarly not have been permitted to exercise the right created by the UOCAVA to vote in the federal elections conducted in New York. And if a citizen of Puerto Rico took up residence outside the United States, the UOCAVA would entitle that citizen to continue, despite her foreign residence, to participate in Puerto Rico's elections for the federal office of Resident Commissioner. Congress thus extended voting rights in the prior place of residence to those U.S. citizens who by reason of their move outside the United States would otherwise have lacked any U.S. voting rights, without similarly extending such rights to U.S. citizens who, having moved to another political subdivision of the United States, possess voting rights in their new place of residence. See *McDonald v. Board of Election Comm'rs*, 394 U.S. 802, 807, 809 (1969) (upholding absentee voting statutes that were "designed to make voting more available to some groups

1 who cannot easily get to the polls," without making voting more available to all such groups, on the ground that  
2 legislatures may "take reform 'one step at a time'" (quoting *Williamson v. Lee Optical of Oklahoma, Inc.*, 348  
3 U.S. 483, 489 (1955)); see also *Bush v. Gore*, 121 S.Ct. 525, 550 (2000) (Ginsburg, J., dissenting) (531 U.S. at  
4 ---, 121 S.Ct. at 539) (citing and quoting *McDonald and Williamson*); *Katzenbach v. Morgan*, 384 U.S. 641, 657  
5 (1966) (applying to voting rights reform legislation the rule that "a statute is not invalid under the Constitution  
6 because it might have gone farther than it did" (internal quotation marks omitted)). Moreover, if the UOCAVA  
7 had done what plaintiff contends it should have done - namely, extended the vote in federal elections to U.S.  
8 citizens formerly citizens of a State now residing in Puerto Rico while not extending it to U.S. citizens residing in  
9 Puerto Rico who have never resided in a State - the UOCAVA would have created a distinction of questionable  
10 fairness among Puerto Rican U.S. citizens, some of whom would be able to vote for President and others not,  
11 depending whether they had previously resided in a State. The arguable unfairness and potential divisiveness of  
12 this distinction might be exacerbated by the fact that access to the vote might effectively turn on wealth. Puerto  
13 Rican voters who could establish a residence for a time in a State would retain the right to vote for the President  
14 after their return to Puerto Rico, while Puerto Rican voters who could not arrange to reside for a time in a State  
15 would be permanently excluded. In sum, the considerations underlying the UOCAVA's distinction are not  
16 insubstantial. As a result, we hold that Congress acted in accordance with the requirements of the Equal  
17 Protection Clause in requiring States and territories to extend voting rights in federal elections to former resident  
18 citizens residing outside the United States, but not to former resident citizens residing in either a State or a  
19 territory of the United States.  
20 [*Romeu v. Cohen*, 265 F.3d. 118 (2nd Cir., 2000)]

21 Note that the court admits above that when administering territories, the source of Constitutional authority derives from  
22 Article IV of the constitution rather than Article III.

23 *In the Insular Cases, decided in 1901,2 and in a series of subsequent decisions, the Supreme Court has held that*  
24 *because territories such as Puerto Rico belong to the United States but are not "incorporated into the United*  
25 *States as a body politic,"* *Dorr v. United States*, 195 U.S. 138, 143 (1904); see also *Balzac v. People of Porto*  
26 *Rico*, 258 U.S. 298, 304-05 (1922), *Congress's regulation of the territories under Article IV is not "subject to*  
27 *all the restrictions which are imposed upon [Congress] when passing laws for the United States,"* *Dorr*, 195  
28 *U.S. at 142*; see also *Jose A. Cabranes, Citizenship and the American Empire 45-51 (1979)*; *Juan R. Torruella,*  
29 *The Supreme Court and Puerto Rico: The Doctrine of Separate and Unequal 40 -74 (1985).*

30 Article IV deals with the community property of the states of the Union held in trust for, and on behalf of that Union by the  
31 national government. Territorial federal district courts in these areas derive ALL of their authority from Article IV, not  
32 Article III. This is also confirmed by examining 28 U.S.C. Chapter 5 legislative notes  
33 (<https://www.law.cornell.edu/uscode/text/28/part-I/chapter-5>). The creation of a district court MUST identify the  
34 constitutional source of its authority. If it mentions NO constitutional source, then the only possible source is Article IV.  
35 The ONLY district court which EXPRESSLY invokes Article III of the constitution is the district court of Hawaii. ALL of  
36 the other district courts are Article IV ONLY:

37 *Pub. L. 86-3*, § 9(a), Mar. 18, 1959, *73 Stat. 8*, provided that:

38 "The United *States District Court* for the District of Hawaii established by and existing under title 28 of the  
39 United States Code shall thence forth be a *court of the United States with judicial power derived from article III,*  
40 *section 1, of the Constitution of the United States*: Provided, however, That the terms of office of the *district*  
41 *judges for the district* of Hawaii then in office shall terminate upon the effective date of this section and the  
42 President, pursuant to sections *133* and *134* of title *28*, United States Code, as amended by this Act, shall appoint,  
43 by and with the advice and consent of the Senate, two district judges for the said district who shall hold office  
44 during good behavior."  
45 [28 U.S.C. §91 Legislative Notes; SOURCE: <https://www.law.cornell.edu/uscode/text/28/91>]

46 This subject is VERY important. An entire encyclopedic coverage this subject appears in the following:

*What Happened to Justice?*, Form #06.012  
<https://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm>

47 The above document concludes that nearly all district courts are operating in an Article IV capacity, and as such, may preside  
48 only over cases involving government property found within the exterior limits of their district. If the case does NOT involve  
49 property in their district, then the court has no jurisdiction. *Government Instituted Slavery Using Franchises*, Form #05.030  
50 also concludes that all franchises consist of LOANS of government property. Hence, these courts are setup to administer  
51 such franchises executed ONLY on federal territory subject to the exclusive jurisdiction of Congress. If you are NOT a  
52 franchisee or you are not standing on federal territory WHILE executing the office of franchisee, then they can have NO  
53 territorial or in personam jurisdiction.

1           *"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the*  
2 *territory or other property belonging to the United States. This power applies as well to territory belonging to*  
3 *the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be.*  
4 *The argument is, that the power to make 'ALL needful rules and regulations' 'is a power of legislation,' 'a*  
5 *full legislative power;' 'that it includes all subjects of legislation in the territory,' and is without any limitations,*  
6 *except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit*  
7 *slavery upon the public domain within the new States, and such a prohibition would permanently affect the*  
8 *capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on*  
9 *Congress. This is a conclusion universally admitted. But the power to 'make rules and regulations respecting*  
10 *the territory' is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in*  
11 *the domain of the United States within the States; and whatever rules and regulations respecting territory*  
12 *Congress may constitutionally make are supreme, and are not dependent on the situs of 'the territory.'"*  
13 *[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]*

14 SO, those engaging in such NATIONAL franchises must be physically located on federal territory within the borders of the  
15 district in order to be subject to the jurisdiction of nearly all federal district courts. Thus, even if one IS a STATUTORY  
16 "national and citizen of the United States[\*\*]" franchisee under 8 U.S.C. §1401, the federal district courts would only have  
17 jurisdiction over acts committed within exclusive federal jurisdiction within the exterior limits of the district and affecting  
18 people and property there. It would NOT apply to anything happening in the exclusive jurisdiction of a state of the Union,  
19 excepting possibly infractions of state officers against their constitutional rights under the Fourteenth Amendment and 28  
20 U.S.C. §1983 and actions against foreigners and nonresidents in foreign countries.

21 Any deviation from the jurisdictional rules in this section constitutes criminal identity theft, as described in:

[Government Identity Theft](https://sedm.org/Forms/FormIndex.htm), Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

## 22   **2.5    How TERRITORIAL "citizens\*" convert to CONSTITUTIONAL "citizens\*"**

23 A STATUTORY "citizen" from a territory or possession such as Puerto Rico or Guam is NOT equivalent to a  
24 CONSTITUTIONAL citizen. In fact, those from federal territory are considered "foreigners" in relation to states of the  
25 Union:

26           *"Constitutionally, only those born or naturalized in the United States and subject to the jurisdiction thereof, are*  
27 *citizens. Const.Amdt. XIV. The power to fix and determine the rules of naturalization is vested in the Congress.*  
28 *Const.Art. I, sec. 8, cl. 4. Since all persons born outside of the [CONSTITUTIONAL] United*  
29 *States, are "foreigners,"[1] and not subject to the jurisdiction of the United States, the*  
30 *statutes, such as § 1993 and 8 U.S.C.A. §601 [currently 8 U.S.C. §1401], derive their*  
31 *validity from the naturalization power of the Congress. Elk v. Wilkins, 1884, 112 U.S. 94, 101, 5*  
32 *S.Ct. 41, 28 L.Ed. 643; Wong Kim Ark v. U. S., 1898, 169 U.S. 649, 702, 18 S.Ct. 456, 42 L.Ed. 890. Persons*  
33 *in whom citizenship is vested by such statutes are naturalized citizens and not native-*  
34 *born citizens. Zimmer v. Acheson, 10 Cir. 1951, 191 F.2d. 209, 211; Wong Kim Ark v. U. S., supra."*  
35 *[Ly Shew v. Acheson, 110 F.Supp. 50 (N.D. Cal., 1953)]*

### 36           FOOTNOTES:

37           *[1] See Boyd v. State of Nebraska ex rel. Thayer, 1892, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103; U.S. v.*  
38 *Harbanuk, 2 Cir. 1933, 62 F.2d. 759, 761.*  
39

40 Notice the language "Since all persons born outside of the [CONSTITUTIONAL] United States[\*\*\*], are 'foreigners'".  
41 TERRITORIAL "citizens" or "nationals" born in federal territories or possessions are "foreign" and "alien" in relation to a  
42 CONSTITUTIONAL state. The same thing applies to Indians living on reservations.

43 The above case doesn't say this, but the reverse is ALSO true: Those born in CONSTITUTIONAL states are "foreign" and  
44 therefore "alien" in relation to STATUTORY "States" and federal territory. That's where the idea comes from to call state  
45 nationals "nonresident aliens" under 26 U.S.C. §7701(b)(1)(B) in relation to a tax that only applies on federal territory within  
46 the STATUTORY but not CONSTITUTIONAL "United States" under 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C.  
47 §110(d). THIS is the DEEP DARK secret that federal courts ruling on tax enforcement in states of the Union POSITIVELY  
48 REFUSE to discuss because if they did, it would blow up the ENTIRE tax system. This subject is what Tip O'Neill called  
49 "The Third Rail of Politics". The "Third Rail of Politics" deal with subjects that will either get you fired, reduce your pay,

or impede your ability to get promoted. It applies to judges just as readily as politicians, even though judges are not supposed to act in a political capacity. It will be like pulling hen's teeth to get them to talk about this subject:

### Third rail of politics

The **third rail** of a nation's politics is a [metaphor](#) for any issue so controversial that it is "charged" and "untouchable" to the extent that any [politician](#) or public official who dares to broach the subject will invariably suffer politically.

It is most commonly used in [North America](#). Though commonly attributed to [Tip O'Neill](#),<sup>[1]</sup> [Speaker of the United States House of Representatives](#) during the [Reagan](#) presidency, it seems to have been coined by O'Neill aide Kirk O'Donnell in 1982 in reference to [Social Security](#).<sup>[2]</sup>

The metaphor comes from the high-voltage [third rail](#) in some [electric railway](#) systems. Stepping on this usually results in [electrocution](#), and the use of the term in politics relates to the risk of "political death" that a politician would face by tackling certain issues.

[Wikipedia: "Third rail of politics", Downloaded 6/6/2018; SOURCE: [https://en.wikipedia.org/wiki/Third\\_rail\\_of\\_politics](https://en.wikipedia.org/wiki/Third_rail_of_politics)]

### FOOTNOTES:

1. Rick Shenkman. ["When Did Social Security Become the Third Rail of American Politics?"](#). [George Mason University](#). Retrieved 21 October 2014.

2. William Safire (8 February 2007). ["On Language: Third Rail"](#). [The New York Times](#). Retrieved 21 October 2014.

Below is an example proving that "U.S. nationals" under Title 8 of the U.S. Code can be CONSTITUTIONAL "aliens", where the petitioner was a Filipino citizen and a STATUTORY "national of the United States\*" under 8 U.S.C. §1101(a)(22). Even then, they identified him as an "alien":

*The petitioner urges finally that the requirement of "entry" is implicit in the 1931 Act. Citing [Fong Yue Ting v. United States](#), 149 U.S. 698, he argues that the bounds of the power to deport aliens are circumscribed by the bounds of the power to exclude them, and that the power to exclude extends only to "foreigners" and does not embrace Filipinos admitted from the Islands when they were a territory of the United States. It is true that Filipinos were not excludable from the country under any general statute relating to the exclusion of "aliens." See [Gonzales v. Williams](#), 192 U.S. 1, 12-13; [Toyota v. United States](#), 268 U.S. 402, 411.*

*But the fallacy in the petitioner's argument is the erroneous assumption that Congress was without power to legislate the exclusion of Filipinos in the same manner as "foreigners." This Court has held that "... the power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be ... " [Downes v. Bidwell](#), 182 U.S. 244, 279.<sup>[12]</sup> Congress not only had, but exercised, 433\*433 the power to exclude Filipinos in the provision of § 8 (a) (1) of the Independence Act, which, for the period from 1934 to 1946, provided:*

**"For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 (c)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. . . ." 48 Stat. 462, 48 U.S. C. (1934 ed.) § 1238.**

*The 1931 Act plainly covers the situation of the petitioner, who was an alien, and who was convicted of a federal narcotics offense. Cf. [United States ex rel. Eichenlaub v. Shaughnessy](#), 338 U.S. 521. We therefore conclude that the petitioner was deportable as an alien under that Act. The judgment is Affirmed."*

[. . .]

MR. JUSTICE DOUGLAS, dissenting.

[. . .]

*No matter how the case is viewed, the 1931 Act is applicable only to aliens who had made an "entry" in this country.*



1 This Filipino came to the United States in 1930 and he has never left here. If the spirit of the 1931 Act is to be  
2 observed, he should not be lumped with all other "aliens" who made an "entry." The Filipino alien, who came  
3 here while he was a national, stands in a class by himself and should remain there, until and unless Congress  
4 extends these harsh deportation measures to his class.  
5 [Rabang v. Boyd, 353 U.S. 427 (1957); SOURCE:  
6 [https://scholar.google.com/scholar\\_case?case=9072441037225227210/](https://scholar.google.com/scholar_case?case=9072441037225227210/)

7 The Filipino referenced above was both an "alien" and a "national" at the same time! How can this be? The answer is that  
8 each word applies to a different context. He was a CONSTITUTIONAL alien and a STATUTORY "national" at the SAME  
9 TIME. He was alien to states of the Union (United States\*\*\*) but still a member of the NATION United States\*.

10 The naturalization they are talking about above in Ly Shew v. Acheson, 110 F.Supp. 50 (N.D. Cal., 1953) in the context of  
11 territories and possessions is STATUTORY naturalization rather than CONSTITUTIONAL naturalization when it is done to  
12 people in a territory or possession that REMAINS a territory or possession and not a CONSTITUTIONAL state. On the  
13 other hand, when or if that territory becomes a CONSTITUTIONAL state, these same territorial "citizens\*" must AGAIN be  
14 collectively naturalized, but this time it is a CONSTITUTIONAL naturalization rather than a STATUTORY naturalization.  
15 When states join the Union under the Constitution, they convert from territories to CONSTITUTIONAL States and the people  
16 in them are CONSTITUTIONALLY naturalized by act of congress, and that naturalization is the equivalent of that found in  
17 8 U.S.C. §1421. Here is the proof from the Boyd case footnoted from in Ly Shew above:

18 It is too late at this day to question the plenary power of Congress over the Territories. As observed by Mr. Justice  
19 Matthews, delivering the opinion of the court in [Murphy v. Ramsey, 114 U.S. 15, 44](#): "It rests with Congress to  
20 say whether, in a given case, any of the people, resident in the 170\*170 Territory, shall participate in the election  
21 of its officers, or the making of its laws; and it may, therefore, take from them any right of suffrage it may  
22 previously have conferred, or at any time modify or abridge it as it may deem expedient. **The right of local  
23 self-government, as known to our system as a constitutional franchise, belongs,  
24 under the Constitution, to the States and to the people thereof, by whom that  
25 Constitution was ordained, and to whom by its terms all power not conferred by it upon the government of the  
26 United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are  
27 secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies  
28 of government, state and national; their political rights are franchises which they  
29 hold as privileges in the legislative discretion of the Congress of the  
30 United States . . .** If we concede that this discretion in Congress is limited by the obvious purposes for  
31 which it was conferred, and that those purposes are satisfied by measures which prepare the people of the  
32 Territories to become States in the Union, still the conclusion cannot be avoided, that the act of Congress here in  
33 question is clearly within that justification."

34 Congress having the power to deal with the people of the Territories in view of the future States to be formed  
35 from them, **there can be no doubt that in the admission of a State a collective naturalization may be effected in  
36 accordance with the intention of Congress and the people applying for admission.**

37 **Admission on an equal footing with the original States, in all respects whatever, involves equality of  
38 constitutional right and power, which cannot thereafterwards be controlled [by  
39 STATUTES of congress], and it also involves the adoption as citizens of the United States of those whom  
40 Congress makes members of the political community, and who are recognized as such in the formation of the  
41 new State with the consent of Congress.**

42 [Boyd v. Nebraska, 143 U.S. 135 (1892); SOURCE:  
43 [https://scholar.google.com/scholar\\_case?case=18118755496880257167/](https://scholar.google.com/scholar_case?case=18118755496880257167/)

44 They don't say this either, but if a CONSTITUTIONAL state leaves the Union as they did in the civil war, its citizens become  
45 foreign nationals. If that state is then recaptured through armed force as it was in the Civil War, the state becomes a territory  
46 and the citizens revert back to being privileged territorial citizens until the state votes to rejoin the Union.

47 The following aspect of the above case was later overruled in Downes v. Bidwell, where they concluded that the Constitution  
48 DOES NOT by default apply in federal territory and only applies in constitutional states, and that Congress must expressly  
49 extend its application to a specific territory in order for it to apply:

50 **"The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by  
51 the principles of constitutional liberty which restrain all the agencies of government, state and national;"**



To summarize what we have learned in this section from examining the relationship between territories and states of the Union:

1. Possessions and Territories are listed in Title 48 of the U.S. Code.
2. Federal territories are STATUTORY “States” under 4 U.S.C. §110(d) and under most acts of Congress.
3. There are no territories left. Puerto Rico used to be a territory but subsequently became a possession.
4. CONSTITUTIONAL states of the Union are foreign and alien in relation to STATUTORY “States”.
5. CONSTITUTIONAL citizens\* or nationals are aliens in relation to federal territories and possessions, which is the area that the income tax is limited to.
6. A STATUTORY “non-citizen national of the United States\*\*” under 8 U.S.C. §1408 from a possession is an ALIEN within a constitutional state and can be deported if he commits crimes. *Rabang v. Boyd*, 353 U.S. 427 (1957). An example of such a possession is American Samoa or Swain’s Island. The Philippines also used to be a possession but was later emancipated.
7. STATUTORY “U.S. national” status under 8 U.S.C. §1408 and “national of the United States\*\*” status under 8 U.S.C. §1101(a)(22) are revocable privileges and franchises granted legislatively by Congress and originating from the naturalization powers of Congress. See Form #05.006, Section 6.8.
8. STATUTORY “national of the United States\*\*” status is a component of being EITHER a STATUTORY “citizen” or a STATUTORY “non-citizen national of the United States\*\*” under 8 U.S.C. §1408.
9. When a possession is granted independence, its inhabitants convert from “non-citizen nationals of the United States\*\*” to BOTH STATUTORY aliens and CONSTITUTIONAL aliens in relation to the national government.
10. STATUTORY “nationals and citizens of the United States\*\*” under 8 U.S.C. §1401 are much more complicated than all the others.
  - 10.1. An example of such a party is someone born in Puerto Rico.
  - 10.2. The U.S. Supreme Court ruled in *Gonzales v. Williams*, 192 U.S. 1 (1904) that such parties are NOT CONSTITUTIONAL “aliens”, but did so not by looking at whether they were CONSTITUTIONAL “nationals”, but whether Congress made them CONSTITUTIONAL “aliens” or not. Therefore, CONSTITUTIONAL “nationals” and STATUTORY “nationals” are NOT synonymous and their relationship is defined by statute, and not organic law. By default, at least, we can say that they are foreign and alien in relation to each other, but Congress can alter that by statute.

*Counsel for the Government contends that the test of Gonzales' rights was citizenship of the United States and not alienage. We do not think so, and, on the contrary, are of opinion that if Gonzales were not an alien within the act of 1891, the order below was erroneous.*

*Conceding to counsel that the general terms "alien," "citizen," "subject," are not absolutely inclusive, or completely comprehensive, and that, therefore, neither of the numerous definitions of the term "alien" is necessarily controlling, we, nevertheless, cannot concede, in view of the language of the treaty and of the act of April 12, 1900, that the word "alien," as used in the act of 1891, embraces the citizens of Porto Rico.*

*We are not required to discuss the power of Congress in the premises; or the contention of Gonzales' counsel that the cession of Porto Rico accomplished the naturalization of its people; or that of Commissioner Degetau, in his excellent argument as amicus curiae, that a citizen of Porto Rico, under the act of 1900, is necessarily a citizen of the United States. The question is the narrow one whether Gonzales was an alien within the meaning of that term as used in the act of 1891.*

[*Gonzales v. Williams*, 192 U.S. 1 (1904); SOURCE:

[https://scholar.google.com/scholar\\_case?case=3548906209356414010](https://scholar.google.com/scholar_case?case=3548906209356414010)]

- 10.3. In most cases, as in the present, those from Puerto Rico are NOT designated as CONSTITUTIONAL aliens, but that condition is NOT a result of their citizenship. As such, they are treated as being neither STATUTORY “aliens” nor “CONSTITUTIONAL “aliens” and cannot therefore be deported if they are physically in a CONSTITUTIONAL state and commit a crime.
11. In order to convert from a STATUTORY “citizen\*” under 8 U.S.C. §1401 to a CONSTITUTIONAL “citizen\*” under the Fourteenth Amendment, one must be naturalized under the authority of 8 U.S.C. §1421 and Constitution Article 1, Section 8, Clause 4.
12. When territories become states, Congress “collectively naturalizes” everyone in the territory by legislative action to convert them from STATUTORY “citizens” to CONSTITUTIONAL “citizens”. This converts the citizenship from a STATUTORY privilege to a CONSTITUTIONAL right.
13. The “citizens” and “residents” mentioned in the Internal Revenue Code are STATUTORY and not CONSTITUTIONAL. Hence, states of the Union are FOREIGN and ALIEN in relation to these people. See section 6 later.

1 Lastly, if you would like an excellent history of the extraterritorial application of the protections of the Constitution outside  
2 of CONSTITUTIONAL states of the Union, we highly recommend the following case. The case doesn't, however, discuss  
3 the extraterritorial reach of the Fourteenth Amendment to territories, unfortunately:

*Boumediene v. Bush*, 553 U.S. 723 (2008)  
[https://scholar.google.com/scholar\\_case?case=913322981351483444](https://scholar.google.com/scholar_case?case=913322981351483444)

## 2.6 LEGAL/STATUTORY CIVIL Status v. POLITICAL/CONSTITUTIONAL Status

5 The following cite from *U.S. v. Wong Kim Ark* confirms our research on citizenship, by admitting that there are TWO  
6 components that determine citizenship status: NATIONALITY and DOMICILE.

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

So:

1. The Constitution is a POLITICAL and not a LEGAL document in relation to “citizens and residents”. It therefore determines the POLITICAL status rather than the LEGAL/STATUTORY status of those “citizens” and “residents”.
2. Nationality determines your POLITICAL STATUS and whether you are a "subject" of the country.
3. DOMICILE determines your CIVIL and LEGAL and STATUTORY status. It DOES NOT determine your POLITICAL status or nationality.
4. Being a constitutional "citizen" per the Fourteenth Amendment is associated with nationality, not domicile.
5. Allegiance is associated with nationality, not domicile. Allegiance is what makes one a "subject" of a country.
6. Your municipal rights, meaning statutory CIVIL rights, associate with your choice of legal domicile, not your nationality or what country you are a subject of or have allegiance to.
7. Being a civil statutory "citizen\*\*+D" is associated with domicile, not nationality, because it is associated with being an inhabitant RATHER than a "subject".
8. A statutory "alien" under most Acts of Congress is a person with a foreign DOMICILE, not a foreign NATIONALITY. By "foreign", we mean:
  - 8.1. Constitutional context: OUTSIDE of COUNTRY United States\*.
  - 8.2. Statutory context: OUTSIDE of federal territory and the exclusive federal jurisdiction, and NOT outside the Constitutional United States\*\*\* (states of the Union).

The above is also completely consistent with the following article on this website:

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

From the above article and the U.S. Supreme Court's own analysis above, it follows that a "national of the United States\*\*\*" (state citizen) cannot be a DOMICILED “citizen\*\*+D” or “resident” under federal statutory law without one of the following two conditions existing:

1. You are physically present on federal territory AT SOME POINT, AND legally domiciled there. This means the government as moving party has the burden of proving that you submitted a form indicating a "permanent address" in the statutory but not constitutional "United States", and that YOU MEANT that the "United States" indicated meant federal territory not within any state of the Union. This is impossible if you attach the following to every government form that you sign:

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

2. You are representing a government entity that is domiciled on federal territory, such as a federal and not state corporation, as a public officer, for instance. Hence, Federal Rule of Civil Procedure 17(b) MUST apply. BUT they must produce evidence that you are lawfully occupying said public office and may not PRESUME that you do. Simply citing a provision of the Internal Revenue Code (I.R.C.) and thereby claiming the "benefits" of that franchise, for instance, is insufficient to CREATE said office. It must be created by some OTHER means because the Internal Revenue Code (I.R.C.) doesn't authorize the CREATION of any new public offices, but regulates EXISTING public offices.

There is NO OTHER WAY for federal law from a legislatively foreign jurisdiction to be applied against a state citizen domiciled within a constitutional and not statutory state. Option 2 is the method most frequently used to legally but not physically KIDNAP most people and move their legal identity to federal territory.

For diagrams that depict how domicile and nationality interact to determine the legal status of a person, see section 14 and following later.

## 2.7 Supreme Court definition of "Constitutional (political) citizen"

The U.S. Supreme Court defined what a constitutional (political) citizen\* is in the following ruling:

*"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between 'citizens' of different states. This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."*

*"Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment, for it is not liable to corporeal penalties -- that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of Bank of the United States v. Deveaux and of Cincinnati & Louisville Railroad Company v. Letson afford some illustration of the effects which must ever follow a departure from the settled principles of the law. These principles are always traceable to a wise and deeply founded experience; they are therefore ever consentaneous and in harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion. Conducted by these principles, consecrated both by time and the obedience of sages, I am brought to the following conclusions:*

*1st. That by no sound or reasonable interpretation, can a corporation -- a mere faculty in law, be transformed into a citizen or treated as a [CONSTITUTIONAL] citizen.*

*2d. That the second section of the Third Article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different states, cannot be made to embrace controversies to which corporations and not citizens are parties, and that the assumption by those courts of jurisdiction in such cases must involve a palpable infraction of the article and section just referred to.*

1 3d. That in the cause before us, the party defendant in the circuit court having been a corporation aggregate  
2 created by the State of New Jersey, the circuit court could not properly take cognizance thereof, and therefore  
3 this cause should be remanded to the circuit court with directions that it be dismissed for the want of  
4 jurisdiction."

5 [Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

6 In the above ruling, what we call a POLITICAL citizen\* is referenced and described as:

- 7 1. Possessing social and political rights.  
8 2. Sustaining social, political, and moral obligations.  
9 3. Artificial.  
10 4. Incorporeal.  
11 5. Theoretical.  
12 6. Invisible creations.

13 Note also that even a CONSTITUTIONAL (political) citizen\* and therefore human being above is referred to as:

14 "... a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social,  
15 political, and moral obligations".

16 [Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

17 The "social, political, and moral" obligations spoken of above, IN FACT, can ONLY ATTACH to a government office  
18 exercising agency on behalf of the government franchise grantor called "citizen". Otherwise, they would represent a THEFT  
19 of otherwise PRIVATE property under the Fifth Amendment. That office is created by the act of choosing a civil domicile  
20 within a constitutional state. That is why the Fourteenth Amendment says "All persons born or naturalized in the United  
21 States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." To  
22 "reside" has been held by the courts to imply a domicile rather than merely physical presence in the state.<sup>7</sup> Without such a  
23 choice of domicile, the office is NOT created and its obligations CANNOT lawfully be enforced in any civil court of law.

24 **2.8 CIVIL Citizen\*\*+D status is entirely voluntary and discretionary. POLITICAL citizen/nationality status is**  
25 **NOT**

26 An important distinction that needs to be understood by the reader is that no one can force you to acquire or retain a domicile  
27 anywhere, including within the federal zone, or to accept the civil status that attaches to it such as statutory "citizen or  
28 resident". That civil status resulting from domicile is entirely voluntary and discretionary. That is one of the conclusions of  
29 the following pamphlet.

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

30 Why? Because the LEGAL or CIVIL status you use to describe yourself is how you:

- 31 1. Contract with other parties, including the government. The purpose of establishing government, in fact, is to protect  
32 your right to both CONTRACT and NOT CONTRACT as you see fit. You don't become a "person" under a private  
33 contract until you SIGN or consent in some way to the contract or agreement.  
34 2. Politically and legally associate with groups you choose to associate with. The right of freedom of association and  
35 freedom from COMPELLED association is protected by the First Amendment to the United States Constitution.  
36 3. Choose or nominate the civil government that you want to protect your right to life, liberty, and property.  
37 3.1. Choosing a domicile is an act of political association that has legal consequences in which you nominate a  
38 specific municipal government to protect your rights and property.  
39 3.2. If you never nominate such a government, then you retain the right to protect yourself and are not entitled to the  
40 protection of a specific municipal government protector.  
41 This is why the Declaration of Independence says that all just powers of government are derived from the consent of  
42 the people. Those who don't consent can't be civilly governed. Yes, they are still liable for criminal violations  
43 because the criminal laws do not require consent. Civil statutory codes, which are franchises, however, DO require

<sup>7</sup> See section 3.7 earlier.

consent of the governed, and all such civil statutory codes/franchises attach to and associate with your choice of legal domicile.

Domicile is how you exercise right numbers 2 and 3 above. You can't be a DOMICILED citizen\*\*+D without CHOOSING and CONSENTING TO a civil domicile in the federal zone. You get to decide where your domicile is and you can change it at ANY TIME! If you don't want to be a DOMICILED citizen\*\*+D under federal law, change your domicile to a state of the Union and correctly reflect that fact on government forms and correspondence.

The legal definition of "citizen" confirms that the status is voluntary. Notice the phrase "in their associated capacity", which is a First Amendment, voluntary act of political association. What the government doesn't want you to know is WHAT status would you describe yourself with if you DO NOT consent to volunteer and yet did not expatriate your nationality to become a constitutional alien?

*citizen. One who, under the [Constitution](#) and laws of the [United States](#)\*\*\*], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights**. All persons born or naturalized in the United States\*\*\*], and subject to the jurisdiction thereof, are citizens of the United States\*\*\*] and of the state wherein they reside. [U.S. Const., 14th Amend.](#). See [Citizenship](#).*

*"Citizens" are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights. [Herriott v. City of Seattle](#), 81 Wash.2d. 48, 500 P.2d. 101, 109. [Black's Law Dictionary, Sixth Edition, p. 244]*

The "full civil rights" they are talking about above are enforced through municipal CIVIL codes/franchises, which in turn can only attach to one's choice of civil legal domicile. Here is how the courts describe this process of volunteering to become a statutory "citizen":

***"The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which owes allegiance to two sovereignties, and claims protection from both. **The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.** He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction."***  
*[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]*

If the status of "citizen" is voluntary, then there MUST be some way to "un-volunteer", right? How is it that the "citizen" CANNOT complain? Because if he DIDN'T "voluntarily submit himself" to a specific state or national government by choosing a civil domicile within that specific government and thereby become subject to the civil codes/franchises of that place, he wouldn't call himself a domiciled "citizen\*\*+D" under the civil code/franchise to begin with! Instead, he would call himself or herself any of the following terms in relation to that specific government and on all government forms he or she fills out. This is the HUGE secret that no one in the government or the courts wants to talk about, in fact, and will HIDE at every opportunity, because it renders them COMPLETELY powerless to govern you civilly. Those who don't "volunteer" are called by any of the following names OTHER than STATUTORY "citizen".

- 1 "nonresident"
- 2 "transient foreigner"
- 3 "stateless person"
- 4 "in transitu"



1 5 “transient”  
2 6 “sojourner”

3 The state courts recognize that calling oneself a “U.S. citizen” is voluntary and hence, that you can instead refer to yourself  
4 as simply a “non-resident” so as to avoid being confused with a statutory citizen as follows:

5 “[W]e find nothing...which requires that a citizen of a state must also be a citizen of the United States, if no  
6 question of federal rights or jurisdiction is involved.”  
7 [Crosse v. Bd. of Supvrs of Elections, 221 A.2d. 431 (1966) ]

8 The Foreign Affairs Manual (F.A.M.), Department of State also confirms that calling oneself a “U.S. citizen” or “citizen of  
9 the United States” is voluntary with the following language:

10 “7 Foreign Affairs Manual (F.A.M.), Section 012(a)

11 a. U.S. Nationals Eligible for Consular Protection and Other Services:

12 Nationality is the principal relationship that connects an individual to a State. International law recognizes the  
13 right of a State to afford diplomatic and consular protection to its **nationals** and to represent their interests.  
14 Under U.S. law the term “national” is inclusive of citizens but “citizen” is not inclusive of nationals. All U.S.  
15 citizens are U.S. nationals. Section 101(a)(22) INA (8 U.S.C. §1101(a)(22)) provides that the term “national of  
16 the United States” means (A) a citizen of the United States, or (B ) a person who, though not a citizen of the United  
17 States, owes permanent allegiance to the United States. U.S. nationals are eligible for U.S. consular protection.  
18 [SOURCE: <https://fam.state.gov/FAM/07FAM/07FAM0010.html>]

19 Below is an example of a case involving a party who had no civil domicile in either a statutory “State”, meaning federal  
20 territory, or a constitutional state of the Union, and hence was classified by the court as a “stateless person” who had to be  
21 dismissed from a class action lawsuit because he was BEYOND the civil jurisdiction of federal court.

22 In order to be a citizen of a State within the meaning of the diversity statute, a natural person must both be a  
23 citizen of the United States and be domiciled within the State. See Robertson v. Cease, 97 U.S. 646, 648-649  
24 (1878) ; Brown v. Keene, 8 Pet. 112, 115 (1834) . The problem in this case is that Bettison, although a United  
25 States citizen, has no domicile in any State. He is therefore “stateless” for purposes of § 1332(a)(3). Subsection  
26 1332(a)(2), which confers jurisdiction in the District Court when a citizen of a State sues aliens only, also  
27 could not be satisfied because Bettison is a United States citizen. [490 U.S. 829]

28 When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of  
29 the diversity statute for each defendant or face dismissal. Strawbridge v. Curtiss, 3 Cranch 267 (1806) .[1] Here,  
30 Bettison’s “stateless” status destroyed complete diversity under § 1332(a)(3), and his United States citizenship  
31 destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals  
32 panel granted Newman-Green’s motion, which it had invited, to amend the complaint to drop Bettison as a party,  
33 thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by  
34 Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as  
35 sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally  
36 liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors.  
37 832 F.2d. at 420, citing Federal Rule of Civil Procedure 19(b). The panel then proceeded to the merits of the  
38 case, ruling in Newman-Green’s favor in large part, but remanding to allow the District Court to quantify  
39 damages and to resolve certain minor issues.[2]  
40 [Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) ]

41 Only those who are constitutional aliens WHEN PHYSICALLY PRESENT WITHIN A FOREIGN COUNTRY can be forced  
42 to submit themselves to the civil jurisdiction of that country absent their consent and voluntary choice of domicile. Those  
43 who are not constitutional aliens, such as state nationals, CANNOT be forced and must consent to be governed by choosing  
44 a domicile. The U.S. Supreme Court describes the process of FORCING aliens into a privileged status to have a residence  
45 in that place and be subject to the civil laws as an “implied license”:

46 The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are  
47 found' were stated as follows: “When private individuals of one nation [states of the Unions are “nations” under  
48 the law of nations] spread themselves through another as business or caprice may direct, mingling  
49 indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,  
50 it would be obviously inconvenient and dangerous to society, and would subject the laws to continual  
51 infraction, and the government to degradation, if such individuals or merchants did not owe temporary and  
52 local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have  
53 any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him,  
54 nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons

of this description from the jurisdiction of the country in which they are found, and no one motive for requiring it. **The implied license, therefore, under which they enter, can never be construed to grant such exemption.** 7 Cranch, 144.

In short, the judgment in the case of *The Exchange* declared, as incontrovertible principles, that the jurisdiction of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory with its permission, and of their foreign ministers and public ships of war; and that **the implied license, under which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants, for purposes of business or pleasure, can never be construed to grant to them an exemption from the jurisdiction of the country in which they are found.** See, also, *Carlisle v. U.S.* (1872) 16 Wall. 147, 155; *Radich v. Hutchins* (1877) 95 U.S. 210; *Wildenhus' Case* (1887) 120 U.S. 1, 7 Sup.Ct. 385; *Chae Chan Ping v. U.S.* (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.  
[*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

If you are not physically present in a legislatively foreign civil jurisdiction, even if you are a constitutional alien in relation to that jurisdiction, then the above method of enfranchisement and enslavement CANNOT be employed. Only a corrupt government can or would waive these rules and make EVERYONE privileged. Furthermore, under the concept of equal protection and equal treatment, if they can force anyone to be subject to THEIR civil laws, then you are allowed to make your own law and force ANYONE else, including the court, to be subject to YOUR laws against their consent.

NATIONALITY, on the other hand, is NOT discretionary. Nationality is a product of the circumstances of your birth or the requirements for naturalization, which you in turn have no control over and cannot change. One can be a “national” of a country under 8 U.S.C. §1101(a)(21), have “nationality”, and call themselves a constitutional citizen and statutory “national” WITHOUT being a statutory citizen because their **political** status is separate and distinct from their **civil legal** status. YES, you can “expatriate” your POLITICAL citizenship and abandon your nationality, so GIVING UP your nationality is therefore discretionary.

*“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.” Perkins v. Elg., 1939, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320. In order to be relieved of the duties of allegiance, consent of the sovereign is required. Mackenzie v. Hare, 1915, 239 U.S. 299, 36 S.Ct. 106, 60 L.Ed. 297. Congress has provided that the right of expatriation is a natural and inherent right of all people, and has further made a legislative declaration as to what acts shall amount to an exercise of such right. The enumerated methods set out in the chapter are expressly made the sole means of expatriation.”*

*“...municipal [civil] law determines how citizenship may be acquired...”*

*“The renunciations not being given a result of free and intelligent choice, but rather because of mental fear, intimidation and coercion, they were held void and of no effect.”*  
[*Tomoya Kawakita v. United States*, 190 F.2d. 506 (1951)]

But **acquiring nationality and constitutional (political) citizen\* status**, for most of us, is NOT discretionary in most cases because:

1. You have no control over WHERE you were born or the citizenship of your parents at the time of birth.
2. You HAVE to be a “national” and constitutional (political) citizen\* of SOME country on Earth. Otherwise, you would be an “alien” in EVERY country on Earth akin to a fugitive whose rights would be protected by NO ONE.

If you would like more information about the subject of domicile, see:

1. **Why Domicile and Becoming a “Taxpayer” Require Your Consent**, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm>
2. **Why Domicile and Becoming a “Taxpayer” Require Your Consent**, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>

**2.9 Constitution (political) citizenship is NOT a revocable “privilege”, nor are Any of the Bill of Rights contingent on having that status. The Bill of Rights is applicable to ALL, and not merely CONSTITUTIONAL (political) citizens**

A common misconception of what we call “Fourteenth Amendment Conspiracy Theorists” is the idea that the Fourteenth Amendment essentially made the Bill of Rights into a PRIVILEGE that made everyone subject to federal jurisdiction. Below are some authorities proving that this is simply NOT the case.

*"All privileges granted to citizen by Amnds 1 to 10 against infringement by federal government HAVE NOT been absorbed by this amendment as privileges incident to citizenship of the United States and by this clause protected against infringement by the states."*

*[Watkins v. Oaklawn Jockey Club. D.C.Ark.1949, 86 F.Supp. 1006, affirmed 183 F.2d. 440]*

*"The principle to be deduced from these various cases is that the rights claimed by the plaintiff in error rest with the state governments, and are not protected by the particular clause of the amendment under discussion. "*

*[Maxwell v. Dow, Utah 1900, 20 S.Ct. 448, 176 U.S. 581, 601, 44 L.Ed. 597]*

*"Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that [this] court holds otherwise and asserts that it is the character of the right claimed, whether specified as above or not, that is controlling."*

*[State v. Felch, 1918, 105 A. 23, 92 Vt. 477]*

The best way to distinguish between a RIGHT and a revocable PRIVILEGE is whether it can be taken away from you WITHOUT your consent. The rights found in Amendments 1-8 of the federal constitution are NON-REVOCABLE, and require your consent to give up. Therefore, they could not be privileges, and in fact the above cases say so.

There are certainly court cases we have read that identify portions of the Bill of Rights as “privileges”. This is a misnomer meant to confuse that conveys nothing useful. Earlier court cases identified the Bill of Rights as “Articles” rather than “Privileges”. The provisions of the Bill of Rights, however, cannot be lost without your CONSENT and therefore are NOT “franchises” and therefore “PUBLIC RIGHTS”. They are not “property of Congress” or “creations of Congress” which can be taken away without your express consent. They are PRIVATE property or PRIVATE RIGHTS. In fact, these rights attach NOT to your CIVIL STATUS, whether “citizen” or otherwise, but rather to the LAND you stand on. That is why the Constitution identifies itself as “the law of the LAND”.

*"It is locality that is determinative of the application of the Constitution, in such matters as judicial procedure, and not the status of the people who live in it. "*

*[Balzac v. Porto Rico, 258 U.S. 298 (1922)]*

For further details on this important subject, refer to section 20.3.1 later.

## **2.10 Comparison of the two species of legislative power of Congress**

Congress enjoys two species of legislative power, and each has its own “nationals”:

*"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?"*

*[Cohens v. Virginia., 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]*

The above distinction is a product of what is called the separation of powers doctrine that is the heart of the United States Constitution and which is thoroughly described in the document below:

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

Based on the above and the foregoing section, there are TWO mutually exclusive and independent types of “nationals”. The U.S. Supreme Court sternly warned Americans not to confuse the two political jurisdictions when it held the following:

*"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.."*

[...]

1       *"The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this country***  
2       ***substantially two national governments; one to be maintained under the Constitution, with all of its***  
3       ***restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising***  
4       ***such powers [of absolutism] as other nations of the earth are accustomed to..***

5       [. . .]

6       ***It will be an evil day for American liberty if the theory of a government outside the supreme law of the land***  
7       ***finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full***  
8       ***authority to prevent all violation of the principles of the Constitution."***  
9       [Downes v. Bidwell, [182 U.S. 244](#) (1901), Justice Harlan, Dissenting]

10      Prior to the Fourteenth Amendment, POLITICAL citizenship derived from and was dependent upon being what the U.S.  
11      Supreme Court also called "citizens of the states" or "state citizens".

12       *"It would be the vainest show of learning to attempt to prove by citations of authority, that up to the adoption of*  
13       *the recent Amendments [the Thirteenth and Fourteenth Amendments], no claim or pretense was set up that those*  
14       *rights depended on the Federal government for their existence or protection, beyond the very few express*  
15       *limitations which the Federal Constitution imposed upon the states—such as the prohibition against ex post facto*  
16       *laws, bill of attainder, and laws impairing the obligation of contracts. **But with the exception of these and a few***  
17       ***other restrictions, the entire domain of the privileges and immunities of citizens of the states, as above defined,***  
18       ***lay within the constitutional and legislative power of the states, and without that of the Federal government.***  
19       ***Was it the purpose of the 14<sup>th</sup> Amendment, by the simple declaration that no state should make or enforce any***  
20       ***law which shall abridge the privileges and immunities of citizens of the United States, to transfer the security***  
21       ***and protection of all the civil rights which we have mentioned, from the states to the Federal government?** And*  
22       *where it is declared that Congress shall have the power to enforce that article, was it intended to bring within the*  
23       *power of Congress the entire domain of civil rights heretofore belonging exclusively to the states?*

24       ***We are convinced that no such result was intended by the Congress which proposed these amendments, nor by***  
25       ***the legislatures of the states, which ratified them. Having shown that the privileges and immunities relied on***  
26       ***in the argument are those which belong to citizens of the states as such, and that they are left to the state***  
27       ***governments for security and protection, and not by this article placed under the special care of the Federal***  
28       ***government, we may hold ourselves excused from defining the privileges and immunities of citizens of the***  
29       ***United States which no state can abridge, until some case involving those privileges may make it necessary to***  
30       ***do so."***  
31       [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) , emphasis added]

32      After the Fourteenth Amendment, POLITICAL citizenship became the primary citizenship and a person not domiciled in a  
33      constitutional state is a "national" but not a state citizen:

34       *"The first of these questions is one of vast importance, and lies at the very foundations of our government. **The***  
35       ***question is now settled by the fourteenth amendment itself, that citizenship of the United States is the primary***  
36       ***citizenship in this country; and that State citizenship is secondary and derivative, depending upon citizenship***  
37       ***of the United States and the citizen's place of residence. The States have not now, if they ever had, any power***  
38       ***to restrict their citizenship to any classes or persons.** A citizen of the United States has a perfect constitutional*  
39       *right to go to and reside in any State he chooses, and to claim citizenship therein, [83 U.S. 36, 113] and an*  
40       *equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that*  
41       *right. He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all the*  
42       *rights and privileges enjoyed by other citizens. And when the spirit of lawlessness, mob violence, and sectional*  
43       *hate can be so completely repressed as to give full practical effect to this right, we shall be a happier nation, and*  
44       *a more prosperous one than we now are. **Citizenship of the United States ought to be, and, according to the***  
45       ***Constitution, is, a surt and undoubted title to equal rights in any and every States in this Union,** subject to such*  
46       *regulations as the legislature may rightfully prescribe. If a man be denied full equality before the law, he is denied*  
47       *one of the essential rights of citizenship as a citizen of the United States."*  
48       [Slaughter-House Cases, 83 U.S. 36 (1873)]

49       *"There are, then, under our republican form of government, two classes of citizens, one of the United States[\*]*  
50       *and one of the state. **One class of citizenship may exist in a person, without the other, as in the case of a resident***  
51       ***of the District of Columbia; but both classes usually exist in the same person."***  
52       [Gardina v. Board of Registrars, 160 Ala. 155]

53      "Citizen\*" political status under Title 8 of the U.S. Code, however, does not derive from citizenship under the constitution  
54      of a state of the Union. That "Citizen\*" in Title 8 is described as a "national and citizen of the United States\*\* at birth" under  
55      8 U.S.C. §1401 or a "citizen of the United States\*\*\*" under 8 U.S.C. §1101(a)(22)(A). The types of political "citizens\*"   
56      spoken of in the United States Constitution are ONLY biological people and not artificial creations such as corporations.  
57      Here is what the Annotated Fourteenth Amendment published by the Congressional Research Service has to say about this  
58      subject:

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

3  
4                   14 *Insurance Co. v. New Orleans*, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
5                   corporations accordingly have been declared unable “to claim the protection of that clause of the Fourteenth  
6                   Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
7                   impairment by the law of a State.” *Orient Ins. Co. v. Daggs*, 172 U.S. 557, 561 (1869). This conclusion was in  
8                   harmony with the earlier holding in *Paul v. Virginia*, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
9                   were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sect. 2.  
10                  See also *Selover, Bates & Co. v. Walsh*, 226 U.S. 112, 126 (1912); *Berea College v. Kentucky*, 211 U.S. 45 (1908);  
11                  *Liberty Warehouse Co. v. Tobacco Growers*, 276 U.S. 71, 89 (1928); *Grosjean v. American Press Co.*, 297 U.S.  
12                  233, 244 (1936).  
13                  [Annotated Fourteenth Amendment, Congressional Research Service.  
14                  SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

15 Fourteenth Amendment Conspiracy Theorists who deny that they are “citizens\* of the United States\*\*\*” as described in the  
16 Fourteenth Amendment, indirectly, are admitting that the ONLY thing they can be or are is a corporation or artificial entity.  
17 Why? Because:

- 18 1. There are only two types of American nationals: Citizens\* and Citizens\*\*+D with a domicile.  
19 2. The ONLY one of the two types of “citizens\*\*\*” who is, in fact, expressly identified by the U.S. Supreme Court as a  
20 human being and emphatically NOT an artificial entity or corporation IS a constitutional or Fourteenth Amendment  
21 “citizen of the United States\*\*\*”.  
22 3. If you are born or naturalized here and deny being a constitutional (political) citizen, the only other thing you can be is  
23 a DOMICILED Citizen\*\*+D.  
24 4. As a DOMICILED Citizen\*\*+D, you are partaking of government civil statutory privileges as a public officer. The  
25 civil statutory law is a voluntary Private Membership Association (PMA) and as a member, you are an officer and  
26 representative of the group you are a member of.

27 We talk about this common freedom fighter fallacy in more detail later in section 20.3.2 and in the following.

<p>28 <u>Flawed Tax Arguments to Avoid</u>, Form #08.004, Section 9.1.1 29 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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30 It seems truly ironic that ignorant freedom lovers who don’t read the law and who even want to avoid being associated with  
31 a corporation would do that to themselves, don’t you think? Some people might try to escape this logic by saying that there  
32 are TWO types of Constitutional citizens: “citizen of the United States\*\*\*” as identified in the Fourteenth Amendment and  
33 the “Citizen” of the original Constitution. However, the following case holds that the Fourteenth Amendment “citizen of the  
United States\*\*\*” is a SUPERSET that includes EVERYONE, including the white capital “C” males of the original  
constitution, so this assertion is clearly flawed:

34                   *“By the language ‘citizens of the United States’ was meant all such citizens; and by ‘any person’ was meant all*  
35                   *persons within the jurisdiction of the state. No distinction is intimated on account of race or color. This court*  
36                   *has no authority to interpolate a limitation that is neither expressed nor implied. Our duty is to execute the law,*  
37                   *not to make it. The protection provided was not intended to be confined to those of any particular race or class,*  
38                   *but to embrace equally all races, classes, and conditions of men.”* Id. 128, 129.

39                   [ . . . ]

40                   *The fourteenth amendment, by the language, ‘all persons born in the United States, and subject to the*  
41                   *jurisdiction thereof,’ was intended to bring all races, without distinction of color, within the rule which prior*  
42                   *to that time pertained to the white race.”*  
43                   [*United States v. Wong Kim Ark*, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ]

44 The U.S. Supreme Court also described WHAT is meant by “subject to THE jurisdiction”, and it means physically present  
45 somewhere within the country or what they call the “territory of the nation” rather than the statutory “United States” AT  
46 THE TIME OF BIRTH OR NATURALIZATION:

47                   *“The amendment, in clear words and in manifest intent, includes the children born within the territory of the*  
48                   *United States of all other persons, of whatever race or color, domiciled within the United States. Every citizen or*



1 subject of another country, while domiciled here [the COUNTRY, not the statutory “United States”], is within  
2 the allegiance and the protection, and consequently subject to the jurisdiction, of the United States[\*\*\*]. His  
3 allegiance to the United States is direct and immediate, and, although but local and temporary, continuing only  
4 so long as he remains within our territory, is yet, in the words of Lord Coke in Calvin's Case, 7 Coke, 6a, 'strong  
5 enough to make a natural subject, for, if he hath issue here, that issue is a natural-born subject'; and his child,  
6 as said by Mr. Binney in his essay before quoted, 'If born in the country, is as much a citizen as the natural-  
7 born child of a citizen, and by operation of the same principle.' It can hardly be denied that an alien is completely  
8 subject to the political jurisdiction of the country in which he resides, seeing that, as said by Mr. Webster, when  
9 secretary of state, in his report to the president on Thrasher's case in 1851, and since repeated by this court:  
10 'Independently of a residence with intention to continue such residence; independently of any domiciliation;  
11 independently of the taking of any oath of allegiance, or of renouncing any former allegiance,—it is well known  
12 that by the public law an alien, or a stranger born, for so long a time as he continues within the dominions of  
13 a foreign government, owes obedience to the laws of that government, and may be punished for treason or  
14 other crimes as a native-born subject might be, unless his case is varied by some treaty stipulations.' Executive  
15 Documents H. R. No. 10, 1st Sess. 32d Cong. p. 4; 6 Webster's Works, 526; U.S. v. Carlisle, 16 Wall. 147, 155;  
16 Calvin's Case, 7 Coke, 6a; Ellesmere, Postnati, 63; 1 Hale, P. C. 62; 4 Bl.Comm. 74, 92.”  
17 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

18 The case below is talking about CONSTITUTIONAL (political) Citizens\* and not DOMICILED Citizens\*\*+D:

19 "As the mind cannot conceive an army without the men to compose it, on the face of the Constitution the objection  
20 that it does not give power to provide for such men would seem to be too frivolous for further notice. It is said,  
21 however, that since under the Constitution as originally framed state citizenship was primary and United  
22 States[\*\*\*] citizenship but derivative and dependent thereon, therefore the power conferred upon Congress to  
23 raise armies was only coterminous with United States citizenship and could not be exerted so as to cause that  
24 citizenship to lose its dependent character and dominate state citizenship. But the proposition simply denies to  
25 Congress the power to raise armies which the Constitution gives. That power by the very terms of the Constitution,  
26 being delegated, is supreme. Article 6. In truth the contention simply assails the wisdom of the framers of the  
27 Constitution in conferring authority on Congress and in not retaining it as it was under the Confederation in the  
28 several states."  
29 [Arver v. United States, 245 U.S. 366 (1918)]

30 Below are a few additional case cites that prove that those who are NOT domiciled in a Constitutional state of the Union but  
31 domiciled SOMEWHERE in the United States\* such as those domiciled on federal territory in the District of Columbia, are  
32 not Constitutional (political) citizens\* but rather “nationals and citizens of the United States\*\* at birth” under 8 U.S.C. § 1401:

33 "... citizens of the District of Columbia were not granted the privilege of litigating in the federal courts on the  
34 ground of diversity of citizenship. Possibly no better reason for this fact exists than such citizens were not thought  
35 of when the judiciary article [III] of the federal Constitution was drafted. ... citizens of the United States[\*\*] ...  
36 were also not thought of; but in any event a citizen of the United States[\*\*], who is not a citizen of any state,  
37 is not within the language of the [federal] Constitution."  
38 [Pannill v. Roanoke, 252 F. 910, 914]

39 "There are, then, under our republican form of government, two classes of citizens, one of the United States[\*\*\*]  
40 and one of the state. One class of citizenship may exist in a person, without the other, as in the case of a resident  
41 of the District of Columbia; but both classes usually exist in the same person."  
42 [Gardina v. Board of Registrars, 160 Ala. 155]

43 Below is a table comparing the two contexts to make the differences perfectly clear. We will build on these distinctions  
44 throughout the remainder of this pamphlet.  
45

1 **Table 1: CIVIL v. POLITICAL "Citizens" compared**

#	Characteristic	<b>CIVIL</b> <i>citizen**D or resident</i>	<b>POLITICAL</b> <i>citizen or resident</i>
1	Status of "person" holding this status	<u>Artificial being OR human beings.</u> All these "citizens" are public officers in the government partaking of government franchises.	<u>Human being ONLY and NOT artificial entities or corporations.</u> See Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870); Orient Ins. Co. v. Daggs, <a href="#">172 U.S. 557</a> , 561 (1869); Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869); Selover, Bates & Co. v. Walsh, <a href="#">226 U.S. 112</a> , 126 (1912) ; Berea College v. Kentucky, <a href="#">211 U.S. 45</a> (1908) ; Liberty Warehouse Co. v. Tobacco Growers, <a href="#">276 U.S. 71</a> , 89 (1928) ; Grosjean v. American Press Co., <a href="#">297 U.S. 233</a> , 244 (1936).
2	Nature of this status	LEGAL status under statutory civil law	POLITICAL status under the Constitution
3	Status created by	Congressional grant by statute (public right)	We the People in the Constitution
4	Status is	A privilege/franchise	1. A right that cannot be taken away, once granted. 2. A privilege for permanent residents who apply for it but not for those who ALREADY have it.
5	Type of jurisdiction created	Legislative/statutory jurisdiction	Political jurisdiction
6	Jurisdiction called	"Subject to ITS jurisdiction" in 26 C.F.R. §1.1-1(c)	"Subject to THE jurisdiction" in the Fourteenth Amendment
7	"citizen" defined in	26 C.F.R. §1.1-1(c) 26 C.F.R. §31.3121-1(e) 8 U.S.C. §1101(a)(22)(A)	1. <a href="#">Fourteenth Amendment, Section 1</a> 2. <a href="#">8 U.S.C. §1101(a)(21)</a>
8	Domicile located in	Federal statutory "State" (territory) as defined in <a href="#">4 U.S.C. §110(d)</a>	State of the Union, as used in the Constitution
9	A "U.S. person" as defined in 26 U.S.C. §7701(a)(30)?	Yes	No
10	May lawfully be issued a "Social Security Number" or "Taxpayer Identification Number"?	Yes	No (see: <a href="#">Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"</a> , Form #04.205; <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a> )
11	Human beings called	1. "U.S. citizen" 2. "citizen of the United States**"	1. "non-resident non-person" 2. "national" (see <a href="#">8 U.S.C. §1101(a)(21)</a> ) 3. "American citizen" (see 1 Stat. 477) 4. "citizen of the United States*** <b>of America</b> " (see 1 Stat. 477) 5. "citizen of the United States****"
12	"resident" (alien) defined in	<a href="#">8 U.S.C. §1101(a)(3)</a> <a href="#">26 U.S.C. §7701(b)(1)(A)</a> 26 C.F.R. §1.1441-1(c)(3)(i)	Not defined
13	Sovereign?	No (A "SUBJECT citizen")	Yes
14	"Rights" protected by	Enactments of Congress (privileges, not rights)	<a href="#">Constitution of the United States, Bill of Rights</a> State Constitution

#	Characteristic	<i>CIVIL</i> <i>citizen**D or resident</i>	<i>POLITICAL</i> <i>citizen or resident</i>
15	Rights protected by the United States Constitution?	No (NO rights. Only legislative “privileges”)	Yes
16	Rights protected by state Constitution?	No (NO rights. Only legislative “privileges”)	Yes
17	Rights are	Revocable at the whim of Congress by legislative enactment and constitute “privileges”	Unalienable
18	Rights are surrendered by	No rights to surrender.	1. Incorrectly declaring yourself to be a statutory “U.S. Citizen” 2. Accepting any government benefit and thereby waiving “sovereign immunity” pursuant to <a href="#">28 U.S.C. §1605(a)(2)</a>
19	Definition of “ <a href="#">United States</a> ” upon which term “citizen of the United States” depends, from previous section	United States**	United States*** United States of America
20	Allegiance is to	The <i>government</i> of the United States (Your PAGAN false God)	The <i>people</i> in states of the Union  (Your neighbors: Love your neighbor. Exodus 20:12-17; Gal. 5:14)
21	Relationship to “national” government	Domestic	Foreign (See “Sovereign=Foreign”: <a href="http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm">http://famguardian.org/Subjects/Freedom/Sovereignty/Sovereign=Foreign.htm</a> )
22	Tax status	Statutory “U.S. citizen”, as defined in 26 C.F.R. §1.1-1(c) and “U.S. person” (26 U.S.C. §7701(a)(30))	“non-resident non-person” if exclusively PRIVATE and NOT a public officer “Nonresident alien” as defined in <a href="#">26 U.S.C. §7701(b)(1)(B)</a> if a public officer and therefore “individual”
23	File which federal tax form	IRS Form 1040	IRS Form 1040NR WITHOUT a TIN/SSN
24	Protected by Foreign Sovereign Immunities Act (F.S.I.A.) as an instrumentality of a foreign state? (see <a href="#">28 U.S.C. §1602 through 1611</a> )	No	Yes
25	A “stateless person” in federal court? (See definition of “State” found in <a href="#">28 U.S.C. §1332(e)</a> )	No	Yes (States of the Union are not “States” within the meaning of <a href="#">28 U.S.C. §1332(e)</a> )
26	Can vote in state elections	As a “voter”	As an “elector” who very carefully fills out the voter registration (See: <a href="http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm">http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm</a> )
27	Allegiance directed at	Federal “State”, which is a federal corporation and the “government” that runs it	Constitutional “state”, which is all the sovereign people within a territory

1 **2.11 CIVIL “Citizen\*\*+D of the United States\*\*” is a corporation franchise**

1 The federal regulations prove WHO the “U.S. citizen” or “Citizen of the United States” is that Congress has jurisdiction over.  
2 It is a corporation!

3 46 C.F.R. §356.5 - Affidavit of U.S. Citizenship.

4 [CFR](#)  
5 [Updates](#)  
6 [Authorities \(U.S. Code\)](#)

7 § 356.5 Affidavit of U.S. Citizenship.

8 (a) In order to establish that a corporation or other entity is a Citizen of the United States within the meaning of  
9 section 2(c) of the 1916 Act, or where applicable, section 2(b) of the 1916 Act, the form of Affidavit is hereby  
10 prescribed for execution in behalf of the owner, charterer, Mortgagee, or Mortgage Trustee of a Fishing Industry  
11 Vessel. Such Affidavit must include information required of parent corporations and other stockholders whose  
12 stock ownership is being relied upon to establish that the requisite ownership in the entity is owned by and vested  
13 in Citizens of the United States. A certified copy of the Articles of Incorporation and Bylaws, or comparable  
14 corporate documents, must be submitted along with the executed Affidavit.

15 (b) This Affidavit form set forth in paragraph (d) of this section may be modified to conform to the requirements  
16 of vessel owners, Mortgagees, or Mortgage Trustees in various forms such as partnerships, limited liability  
17 companies, etc. A copy of an Affidavit of U.S. Citizenship modified appropriately, for limited liability companies,  
18 partnerships (limited and general), and other entities is available on MARAD's internet home page at  
19 <http://www.marad.dot.gov>.

20 (c) As indicated in § 356.17, in order to renew annually the fishery endorsement on a Fishing Industry Vessel,  
21 the owner must submit annually to the Citizenship Approval Officer evidence of U.S. Citizenship within the  
22 meaning of section 2(c) of the 1916 Act and 46 App. U.S.C. 12102(c).

23 (d) The prescribed form of the Affidavit of U.S. Citizenship is as follows:

24 State of \_\_\_\_ County of \_\_\_\_ Social Security Number: \_\_\_\_

25 I, \_\_\_\_\_, (Name) of \_\_\_\_\_, (Residence address) being duly sworn, depose and say:

26 1. That I am the \_\_\_\_ (Title of office(s) held) of \_\_\_\_\_, (Name of corporation) a corporation organized and existing  
27 under the laws of the State of \_\_\_\_ (hereinafter called the “Corporation”), with offices at \_\_\_\_\_, (Business  
28 address) in evidence of which incorporation a certified copy of the Articles or Certificate of Incorporation (or  
29 Association) is filed herewith (or has been filed) together with a certified copy of the corporate Bylaws. [Evidence  
30 of continuing U.S. citizenship status, including amendments to said Articles or Certificate and Bylaws, should be  
31 filed within 45 days of the annual documentation renewal date for vessel owners. Other parties required to  
32 provide evidence of U.S. citizenship status must file within 30 days after the annual meeting of the stockholders  
33 or annually, within 30 days after the original affidavit if there has been no meeting of the stockholders prior to  
34 that time.];

35 2. That I am authorized by and in behalf of the Corporation to execute and deliver this Affidavit of U.S.  
36 Citizenship;

37 3. That the names of the Chief Executive Officer, by whatever title, the Chairman of the Board of Directors, all  
38 Vice Presidents or other individuals who are authorized to act in the absence or disability of the Chief Executive  
39 Officer or Chairman of the Board of Directors, and the Directors of the Corporation are as follows:<sup>1</sup>

40 Footnote(s):  
41

42 <sup>1</sup> Offices that are currently vacant should be noted when listing Officers and Directors in the Affidavit.

43 Notice the OFFICER of the corporation who files the above must have a Social Security Number, which in turn functions as  
44 a license to represent a public office in the national but not federal government. The Social Security Number is what the  
45 Federal Trade Commission calls a “franchise mark”.

46 The "Citizen of the United States" they are referring to in the above regulation can ONLY mean a DOMICILED Citizen\*\*+D  
47 domiciled on federal territory. CONSTITUTIONAL (political) citizens include ONLY human beings according to the U.S.  
48 Supreme Court.

1 “Citizens of the United States within the meaning of this Amendment must be natural and not artificial persons;  
2 a corporate body is not a citizen of the United States. 14

3  
4 14 Insurance Co. v. New Orleans, 13 Fed.Cas. 67 (C.C.D.La. 1870). Not being citizens of the United States,  
5 corporations accordingly have been declared unable “to claim the protection of that clause of the Fourteenth  
6 Amendment which secures the privileges and immunities of citizens of the United States against abridgment or  
7 impairment by the law of a State.” Orient Ins. Co. v. Daggs, 172 U.S. 557, 561 (1869) . This conclusion was in  
8 harmony with the earlier holding in Paul v. Virginia, 75 U.S. (8 Wall.) 168 (1869), to the effect that corporations  
9 were not within the scope of the privileges and immunities clause of state citizenship set out in Article IV, Sect. 2.  
10 See also Selover, Bates & Co. v. Walsh, 226 U.S. 112, 126 (1912) ; Berea College v. Kentucky, 211 U.S. 45 (1908)  
11 ; Liberty Warehouse Co. v. Tobacco Growers, 276 U.S. 71, 89 (1928); Grosjean v. American Press Co., 297 U.S.  
12 233, 244 (1936) .

13 [Annotated Fourteenth Amendment, Congressional Research Service.  
14 SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

## 15 **2.12 Territorial CIVIL Citizens\*\*+D are “subject to ITS jurisdiction” rather than “subject to THE jurisdiction”** 16 **in the Fourteenth Amendment**

17 Domiciled “U.S. citizens\*\*+D” are described as being “subject to ITS jurisdiction”, as indicated in 26 C.F.R. §1.1-1(c):

18 [26 C.F.R. §1.1-1 Income tax on individuals](#)

19 (c) Who is a citizen.

20 **Every person born or naturalized in the [federal] United States[\*\*] and subject to *its* jurisdiction is a citizen.**  
21 *For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and*  
22 *Nationality Act (8 U.S.C. §1401–1459). ”*  
23 [\[26 C.F.R. §1.1-1\(c\)\]](#)

24 “It’s” implies the exclusive legislative jurisdiction of Congress from a SINGULAR source, which is what the U.S. Supreme  
25 Court calls “the body corporate” of the national government. A similar but not identical phrase appears in the Fourteenth  
26 Amendment:

27 *United States Constitution*  
28 *Fourteenth Amendment*

29 “Section 1. All persons born or naturalized in the United States and subject to **the** jurisdiction thereof, are  
30 citizens of the United States and of the State wherein they reside.”

31 The definition of statutory “national and citizen of the United States[\*\*]” in 8 U.S.C. §1401 further complicates the mix by  
32 ALSO using the phrase “subject to THE jurisdiction”:

33 [TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part 1 > Sec. 1401.](#)  
34 [Sec. 1401. - Nationals and citizens of United States\[\\*\\*\] at birth](#)

35 *The following shall be nationals and citizens of the United States[\*\*] at birth:*

36 (a) a person born in the United States[\*\*], and **subject to the jurisdiction thereof;**

37 (b) a person born in the United States[\*\*] to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe:  
38 *Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise*  
39 *affect the right of such person to tribal or other property;*

40 To make things even worse, even the U.S. Supreme Court incorrectly refers to the phrase “subject to THE jurisdiction” as  
41 used in the Fourteenth Amendment as “subject to ITS jurisdiction”:

42 *To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which*  
43 *should declare what should constitute citizenship of the United States, and also citizenship of a State, the first*  
44 *clause of the first section was framed.*



"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase, "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States.

[Slaughter-House Cases, 83 U.S. 36, 73 (1873) (Justice Miller); SOURCE: [https://scholar.google.com/scholar\\_case?case=12565118578780815007](https://scholar.google.com/scholar_case?case=12565118578780815007)]

We believe the above incorrect description of the Fourteenth Amendment by the U.S. Supreme Court was deliberately intended to further confuse the two contexts in order to facilitate equivocation of the two contexts and thus, to illegally extend federal legislative jurisdiction into states of the Union. Even the U.S. Supreme Court later admitted the inaccuracy and carelessness of the above statement when it said:

Mr. Justice Miller, indeed, while discussing the causes which led to the adoption of the Fourteenth Amendment, made this remark: "The phrase, 'subject to its jurisdiction,' was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States, born within the United States." 16 Wall. 73. This was wholly aside from the question in judgment, and from the course of reasoning bearing upon that question. It was unsupported by any argument, or by any reference to authorities; and that it was not formulated with the same care and exactness, as if the case before the court had called for an exact definition of the phrase, is apparent from its classing foreign ministers and consuls together — whereas it was then well settled law, as has since been recognized in a judgment of this court in which Mr. Justice Miller concurred, that consuls, as such, and unless expressly invested with a diplomatic character in addition to their ordinary powers, are not considered as entrusted with authority to represent their sovereign in his intercourse with foreign States or to vindicate his prerogatives, or entitled by the law of nations to the privileges and immunities of ambassadors or public ministers, but are subject to the jurisdiction, civil and criminal, of the courts of the country in which they reside. 1 Kent Com. 44; Story Conflict of Laws, § 48; Wheaton International Law, (8th ed.) § 249; The Anne, (1818) 3 Wheat. 435, 445, 446; Gittings v. Crawford, (1838) Taney, 1, 10; In re Baiz, (1890) 135 U.S. 403, 424.

In weighing a remark uttered under such circumstances, it is well to bear in mind the often quoted words of Chief Justice Marshall: "It is a maxim not to be disregarded, that general expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision. The reason of this maxim is obvious. The question actually before the court is investigated with care, and considered in its full extent. Other principles which may serve to illustrate it are considered in their relation to the case decided, but their possible bearing on all other cases is seldom completely investigated." Cohens v. Virginia, (1821) 6 Wheat. 264, 399.  
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

The IRS capitalized on the above confusion in their description of "citizen" in the Treasury regulations at 26 C.F.R. §1.1-1(c) by using "subject to ITS jurisdiction" rather than "subject to THE jurisdiction". They never clarify WHICH of the two types of citizens or jurisdictions they mean, because like the U.S. Supreme Court, they want to encourage equivocation that will make BOTH STATE citizens and TERRITORIAL citizens appear equal AND subject to the LEGISLATIVE jurisdiction of Congress. We know, however, that according to the U.S. Supreme Court, they are NOT equal as admitted in the above case:

"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens. Whether this proposition was sound or not had never been judicially decided."

[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

You CANNOT be a citizen of BOTH places at the SAME TIME: federal territory and a state of the Union. It's ONE or the OTHER. Furthermore, if you are a citizen of a state of the Union because born or naturalized there, then you are a FOREIGNER in respect to federal territory!:

“Constitutionally, only those born or naturalized in the United States and subject to the jurisdiction thereof, are citizens. Const.Amdt. XIV. **The power to fix and determine the rules of naturalization is vested in the Congress. Const.Art. I, sec. 8, cl. 4. Since all persons born outside of the [CONSTITUTIONAL] United States, are “foreigners,”[1] and not subject to the jurisdiction of the United States, the statutes, such as § 1993 and 8 U.S.C.A. §601 [currently 8 U.S.C. §1401], derive their validity from the naturalization power of the Congress.** *Elk v. Wilkins*, 1884, 112 U.S. 94, 101, 5 S.Ct. 41, 28 L.Ed. 643; *Wong Kim Ark v. U. S.*, 1898, 169 U.S. 649, 702, 18 S.Ct. 456, 42 L.Ed. 890. **Persons in whom citizenship is vested by such statutes are naturalized citizens and not native-born citizens.** *Zimmer v. Acheson*, 10 Cir. 1951, 191 F.2d. 209, 211; *Wong Kim Ark v. U. S.*, supra.”  
[*Ly Shew v. Acheson*, 110 F.Supp. 50 (N.D. Cal., 1953)]

FOOTNOTES:

[1] See *Boyd v. State of Nebraska ex rel. Thayer*, 1892, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103; *U.S. v. Harbanuk*, 2 Cir. 1933, 62 F.2d. 759, 761

State nationals are foreign in relation to federal territory and territorial “U.S. citizens” under 8 U.S.C. §1401 are foreigners in relation to states of the Union. Even though they are “foreigners” they are NOT “aliens” in relation to federal territory. Hence, they cannot ALSO be statutory “individuals” as defined in 26 C.F.R. §1.1441-1(c)(3).

Below is an example proving that “nationals” under 8 U.S.C. §1101(a)(22) can be CONSTITUTIONAL “aliens”, where the petitioner was a Filipino citizen and a STATUTORY “national of the United States\*\*\*” under 8 U.S.C. §1101(a)(22). Even then, they identified him as an “alien”:

*The petitioner urges finally that the requirement of "entry" is implicit in the 1931 Act. Citing Fong Yue Ting v. United States, 149 U.S. 698, he argues that the bounds of the power to deport aliens are circumscribed by the bounds of the power to exclude them, and that the power to exclude extends only to "foreigners" and does not embrace Filipinos admitted from the Islands when they were a territory of the United States. It is true that Filipinos were not excludable from the country under any general statute relating to the exclusion of "aliens." See Gonzales v. Williams, 192 U.S. 1, 12-13; Toyota v. United States, 268 U.S. 402, 411.*

*But the fallacy in the petitioner's argument is the erroneous assumption that Congress was without power to legislate the exclusion of Filipinos in the same manner as "foreigners." This Court has held that "... the power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be ... ." Downes v. Bidwell, 182 U.S. 244, 279.<sup>121</sup> Congress not only had, but exercised, 433\*433 the power to exclude Filipinos in the provision of § 8 (a) (1) of the Independence Act, which, for the period from 1934 to 1946, provided:*

**"For the purposes of the Immigration Act of 1917, the Immigration Act of 1924 (except section 13 (c)), this section, and all other laws of the United States relating to the immigration, exclusion, or expulsion of aliens, citizens of the Philippine Islands who are not citizens of the United States shall be considered as if they were aliens. For such purposes the Philippine Islands shall be considered as a separate country and shall have for each fiscal year a quota of fifty. . . ." 48 Stat. 462, 48 U.S. C. (1934 ed.) § 1238.**

*The 1931 Act plainly covers the situation of the petitioner, who was an alien, and who was convicted of a federal narcotics offense. Cf. United States ex rel. Eichenlaub v. Shaughnessy, 338 U.S. 521. We therefore conclude that the petitioner was deportable as an alien under that Act. The judgment is Affirmed."*

[. . .]

MR. JUSTICE DOUGLAS, dissenting.

[. . .]

*No matter how the case is viewed, the 1931 Act is applicable only to aliens who had made an "entry" in this country.*

*This Filipino came to the United States in 1930 and he has never left here. If the spirit of the 1931 Act is to be observed, he should not be lumped with all other "aliens" who made an "entry." The Filipino alien, who came here while he was a national, stands in a class by himself and should remain there, until and unless Congress extends these harsh deportation measures to his class.*

[*Rabang v. Boyd*, 353 U.S. 427 (1957); SOURCE:  
[https://scholar.google.com/scholar\\_case?case=9072441037225227210](https://scholar.google.com/scholar_case?case=9072441037225227210)]

The Filipino referenced above was both an “alien” and a “national” at the same time! How can this be? The answer is that each word applies to a different context. He was a CONSTITUTIONAL alien and a STATUTORY “national of the United States\*\*\*” at the SAME TIME. He was alien to states of the Union (United States\*\*) but still a member of the NATION United States\*.

The only way to correctly resolve this deliberate confusion of contexts is to conclude the following:

1. There are TWO contexts for the phrases “subject to THE jurisdiction” and “subject to ITS jurisdiction”:
  - 1.1. STATUTORY.
  - 1.2. CONSTITUTIONAL.
2. There are TWO “United States” one can owe allegiance to:
  - 2.1. The collective states of the Union under the Constitution.
  - 2.2. The CORPORATION “United States” under federal statutes. 28 U.S.C. §3002(15)(A).
3. “Subject to ITS jurisdiction” as used in 26 C.F.R. §1.1-1(c):
  - 3.1. Is the STATUTORY context and therefore refers to the exclusive jurisdiction of Congress and to federal territory ONLY.
  - 3.2. Is LEGISLATIVE rather than POLITICAL jurisdiction.
  - 3.3. NOWHERE used in the Constitution and therefore CANNOT be the Constitutional context.
4. “Subject to THE jurisdiction” as used in 8 U.S.C. §1401:
  - 4.1. Refers ALSO to allegiance, but the allegiance is owed to the CORPORATION “United States” rather than to the individual states of the Union or to the United States\*\*\*.
  - 4.2. Is the origin of how one becomes a STATUTORY “national of the United States\*”. “national”, after all, is defined in 8 U.S.C. §1101(a)(22) as someone owing allegiance to the “United States[\*\*]”.
5. “Subject to THE jurisdiction” in the Fourteenth Amendment:
  - 5.1. Refers to allegiance to the United States of America as a collective and to the constitutional State one is born in or naturalized in.
  - 5.2. Is POLITICAL jurisdiction rather than LEGISLATIVE jurisdiction.
  - 5.3. Is equivalent to “subject to THEIR jurisdiction” as used in the Thirteenth Amendment.
6. The deliberate confusion between “subject to THE jurisdiction” and “subject to ITS jurisdiction” found in Slaughterhouse Cases above was put there to make the reader falsely presume that the two phrases are equivalent. We can clearly see that they are NOT, and that believing they are is a logical fallacy called equivocation.

#### **equivocation**

*EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. **Equivocation is incompatible with the Christian character and profession.***  
[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation/>]

***Equivocation** ("to call by the same name") is an informal logical fallacy. It is the misleading use of a term with more than one meaning or sense (by glossing over which meaning is intended at a particular time). It generally occurs with polysemic words (words with multiple meanings).*

*Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.<sup>8</sup>*

*It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the word or phrase clear, and amphiboly (or syntactical ambiguity), which refers to ambiguous sentence structure due to punctuation or syntax.<sup>9</sup>*

<sup>8</sup> Damer, T. Edward (2009), [\*Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments\*](#) (6th ed.), Wadsworth, p. 121, ISBN 978-0-495-09506-4

[\*Fischer, D. H.\*](#) (June 1970), [\*Historians' fallacies: toward a logic of historical thought\*](#), Harper torchbooks (first ed.), New York: HarperCollins, p. 274, ISBN 978-0-06-131545-9, OCLC 185446787

<sup>9</sup> Damer, T. Edward (2009), [\*Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments\*](#) (6th ed.), Wadsworth, p. 123, ISBN 978-0-495-09506-4

Any OTHER approach to these two phrases as described above leads to irreconcilable inconsistencies that no court can rationally explain away. That is why they leave this issue alone and refuse to clarify it: So that they can protect their right to continue the MASSIVE identity theft that results from assuming that CONSTITUTIONAL citizens are equivalent to STATUTORY citizens.

Therefore, the ONLY type of “citizen” that the income tax is imposed upon in 26 C.F.R. §1.1-1 is people born or naturalized on federal territory. It does NOT include people born or naturalized in a constitutional state by default. The U.S. Supreme Court has recognized the right of people born within the exclusive jurisdiction of a constitutional state and domiciled OUTSIDE the statutory geographical “United States” to ELECT “citizen\*\*D” status when abroad, for instance, in *Cook v. Tait*, 265 U.S. 47 (1924), but there is no EXPRESS authority anywhere in the Internal Revenue Code for doing so. Cook was domiciled in Mexico at the time, and yet he ELECTED to be treated as THE “Citizen\*\*+D” described in 26 C.F.R. §1.1-1(c) domiciled in the statutory geographical United States” described in 26 U.S.C. §7701(a)(9) and (a)(10) by simply filing a 1040 tax return. This was an act of “legislating from the bench” unauthorized by the Constitution, and former President William Howard Taft was the one who did it while he served on the U.S. Supreme Court.

### 2.13 Who started the TERRITORIAL CIVIL citizens\*\*+D v. CONSTITUTIONAL citizen\*\*D confusion SCAM

The deliberate scheme to confuse Citizens\* domiciled on federal territory with Citizens\* domiciled within the exclusive jurisdiction of constitutional states was first enacted by none other than Franklin Delano Roosevelt immediately after he took office in 1933. The law he enacted to confiscate all gold was the Emergency Banking Relief Act, 48 Stat. 1 and that act ONLY applied to STATUTORY “persons” WITHIN the EXCLUSIVE jurisdiction of the national government and NOT to CONSTITUTIONAL “persons” or “citizens”. Of course, none of the thieves in government were honest enough to admit the differences in these two types of “persons” or “citizens” and they exploited this confusion to STEAL all the gold of Americans, and move it to the then new Fort Knox in seven railcars packed to the brim with gold.

Let's go back to March 6-9, 1933 and find out what FDR did. Instead of formulating a plan demanding that the Federal Reserve honor their contractual obligations to the People he instead consulted the Federal Reserve as to how they believed the crisis should be solved! Remember the REAL emergency was that the bankers did not want to honor their contractual obligation to convert the People's gold certificates to gold. The cats were consulted about what their punishment should be for eating mice. Of course, the cats ruled that they should be fed more mice! What did the private federal reserve conclude that their punishment should be for embezzling the People's gold and dishonoring their fiduciary responsibilities and legitimate contractual obligations? The cats at the FED decided that they should be fed more mice and the President was instructed to pass a law demanding that the People return ALL of their gold to the bankers or be subjected to a stiff fine and jail time. Roosevelt's Proclamations were taken word for word from the Resolution adopted by Federal Reserve.

*Resolution Adopted by the Federal Reserve Board of New York.*

*“Whereas, in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency...”*

Remember, the controllers of the Federal Reserve were extremely well educated in law. History has shown them to be the brains behind all major Wars throughout the world. They create a conflict and then fund all sides. War is big business for banks. The fed understood how Congress can legislate for its Territorial subject “persons” through Art. I, Sec. 8, Clause 17, without regards to the Constitution (see also *Downes v. Bidwell*, 182 U.S. 244 (1901)). These same scoundrels probably created the loophole! They also knew the difference between the CONSTITUTIONAL citizens and STATUTORY citizens and they were well aware of the War Powers. Following is the original October 6, 1917 combined with the Amendments of March 9, 1933:

<p>Note: <b>Bold faced</b> and single underlines are added by the author for emphasis and understanding. <u>Double underlines</u> and <del>strike-through deletions</del> are Amendments to the original “Trading With the Enemy Act” made in the Act of March 9, 1933.</p>
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SIXTY FIFTH CONGRESS Sess. I Chapter 106, Page 411, October 6, 1917, 48 Stat. 1

CHAP 106—An Act To define, regulate, and punish trading with the enemy, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress*  
2 *assembled, that this Act shall be known as the “Trading With the Enemy Act.”*

3 SEC. 2. That the word “enemy” as used herein shall be deemed to mean, for the purposes of such trading and  
4 of this Act—

5 (a) Any individual, partnership, or other party of individuals, or any nationality, resident within the territory  
6 (including that occupied by the military and naval forces of any nation with which the United States is at war or  
7 resident outside the United States and doing business within such territory and any corporation incorporated  
8 within any country other than the United States and doing business with such [enemy] territory, and any  
9 corporation incorporated within such territory with which the United States is at war or incorporated within any  
10 country other than the United States.

11 (b) The government of any nation with which the United States is at war, or any political or municipal subdivision  
12 thereof.

13 (c ) Such other individuals or body or class of individuals, as may be natives, citizens, or subjects of any nation  
14 with which the United States is at war, other than citizens of the United States, wherever resident or wherever  
15 doing business, as the President, if he shall find the safety of the United States or the successful prosecution of  
16 the war shall so require may, by proclamation, include within the term enemy”

17 [this section then continues to define an “ally of an enemy” in the same terms as the “enemy” and again states,  
18 “other than citizens of the United States.”]

19 **Public Laws of the Seventy-Third Congress, Chapter 1, Title I, March 9, 1933 Sec. 2**

20 Subdivision (b) of Section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is **hereby amended to**  
21 **read as follows:**

22 SEC. 5(b) “During time of war or during any other period of national emergency declared by the President, the  
23 President may through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under  
24 such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions of foreign  
25 exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credits in any form  
26 (other than credits relating solely to transactions to be executed wholly within the United States) between or  
27 payments by banking institutions as defined by the President, and export, hoarding melting, or earmarking of  
28 gold or silver coin or bullion or currency by any person within the United States or any place subject to the  
29 jurisdiction thereof; and transfers of evidences of indebtedness or of ownership of property between the United  
30 States and any foreign country, whether enemy, ally of enemy or otherwise, or between residents of one or and  
31 he the President may require any such person engaged in any such transaction referred to in this subdivision to  
32 furnish under oath, complete information relative thereto, including the production of any books of account,  
33 contracts, letters or other papers, in connection therewith in the custody or control of such person, either before  
34 or after such transaction is completed. Whoever willfully violates any of the provisions of this subdivision or  
35 of any license, order, rule or regulation issued thereunder, shall, upon conviction be fined not more than  
36 \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both;’...”

37 Following the above act, socialist FDR then signed Executive Order 6102 ordering “citizens of the United States” to turn in  
38 their gold. Information on Executive Order 6102:

- 39 1. Wikipedia: Executive Order 6102  
40 [http://en.wikipedia.org/wiki/Executive\\_Order\\_6102](http://en.wikipedia.org/wiki/Executive_Order_6102)  
41 2. Text of Executive Order 6102  
42 <http://www.presidency.ucsb.edu/ws/index.php?pid=14611&st=&st1=>

43 The only “individuals” or “persons” he could lawfully be referring to in Executive Order 6102 are STATUTORY citizens  
44 who are ALSO public officers in the government, because the ability to regulate exclusively private rights is repugnant to the  
45 Constitution. Furthermore, even in times of national emergency, it is illegal to violate such a constitutional limitation:

46 **THE AMERICAN CONSTITUTION IS NON-SUSPENDIBLE!**

47 “No emergency justifies the violation of any of the provisions of the United States Constitution.”<sup>10</sup> An  
48 emergency, however, while it cannot create power, increase granted power, or remove or diminish the restrictions

<sup>10</sup> As to the effect of emergencies on the operation of state constitutions, see § 59.



imposed upon the power granted or reserved, may allow the exercise of power already in existence, but not exercised except during an emergency.<sup>11</sup>

The circumstances in which the executive branch may exercise extraordinary powers under the Constitution are very narrow.<sup>12</sup> The danger must be immediate and impending, or the necessity urgent for the public service, such as will not admit of delay, and where the action of the civil authority would be too late in providing the means which the occasion calls for.<sup>13</sup> For example, there is no basis in the Constitution for the seizure of steel mills during a wartime labor dispute, despite the President's claim that the war effort would be crippled if the mills were shut down.<sup>14</sup>

[16 American Jurisprudence 2d, Constitutional Law, §52 (1999)]

If you would like to read the above enactments, see:

*Legislative History of Money in the United States*, Family Guardian Fellowship  
<http://famguardian.org/Subjects/MoneyBanking/Money/LegHistory/LegHistoryMoney.htm>

## 2.14 STATUTORY CIVIL and CONSTITUTIONAL “aliens” are equivalent under U.S.C. Title 8

Many people mistakenly try to apply the STATUTORY/CIVIL and CONSTITUTIONAL context dichotomy to the term “alien” and this is a mistake. The distinction between STATUTORY/CIVIL citizens\*\*+D v. CONSTITUTIONAL citizens does not apply to the term “alien”. We don't think we have confused people by using the term “statutory citizen” and then excluding “alien” from the statutory context in Title 8 because.

1. Title 8 covers TWO opposites based on its name: “Aliens and nationality”. You are either an “alien” or a “national”. Statutory citizens under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) are a SUBSET of “nationals”. A “citizen” under U.S. Code Titles 8, 26, and 42 is a “national of the United States\*\*\*” domiciled on federal territory and described in 8 U.S.C. §1101(a)(22)(A).
2. A “nonresident alien” under 26 U.S.C. §7701(b)(1)(B) is someone who is one or more of the following:
  - 2.1. A “national of the United States\*\*\*” under 26 U.S.C. §1101(a)(22) engaged in a public office. OR
  - 2.2. A “a person who, though not a citizen of the United States\*\*, owes permanent allegiance to the United States\*\*\*” under 8 U.S.C. §1101(a)(22)(B) because not domiciled on federal territory. . .OR
  - 2.3. A public officer in the national government serving in places EXPRESSLY authorized by 4 U.S.C. §72. If they are not a public officer, they would be a “non-resident non-person”.
3. The context for whether one is a “national” is whether they were born or naturalized “within allegiance to the sovereign” or on territory within a country or place that has allegiance. That allegiance is always non-geographical and can exist ANYWHERE one physically is, including in a state of the Union or abroad. That is what the “pledge of allegiance” is about, in fact. The flag flies in lots of places, not just on federal territory or even constitutional states. As described in the *United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936), the “United States of America” is THAT country, and that entity is a POLITICAL and not a GEOGRAPHIC entity. The U.S. supreme court calls this entity “the body politic”. It is even defined politically as a CORPORATION and not a geographic region in *United States v. Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936). “States” are not geography, but political groups. “citizens” are political members of this group. Physical presence on territory protected by a “state” does not imply political membership. Rather, the coincidence of DOMICILE and NATIONALITY together establish membership. Without BOTH, you can't be a member of the political group. THIS group is called “We the People” in the USA constitution and it is PEOPLE, not territory or geography. It is a FACT that you cannot register to vote WITHOUT a civil domicile in the county you are registering. They will laugh you out of the Registrar of Voter's

<sup>11</sup> *Veix v. Sixth Ward Building & Loan Ass'n of Newark*, 310 U.S. 32, 60 S.Ct. 792, 84 L.Ed. 1061 (1940); *Home Bldg. & Loan Ass'n v. Blaisdell*, 290 U.S. 398, 54 S.Ct. 231, 78 L.Ed. 413, 88 A.L.R. 1481 (1934).

The Constitution was adopted in a period of grave emergency and its grants of power to the Federal Government and its limitations of the power of the states were determined in the light of emergency, and are not altered by emergency. *First Trust Co. of Lincoln v. Smith*, 134 Neb. 84, 277 N.W. 762 (1938).

<sup>12</sup> *Halperin v. Kissinger*, 606 F.2d. 1192 (D.C. Cir. 1979), cert. granted, 446 U.S. 951, 100 S.Ct. 2915, 64 L.Ed.2d. 807 (1980) and aff'd in part, cert. dismissed in part, 452 U.S. 713, 101 S.Ct. 3132, 69 L.Ed.2d. 367 (1981), reh'g denied, 453 U.S. 928, 102 S.Ct. 892, 69 L.Ed.2d. 1024 (1981) and on remand to, 542 F. Supp. 829 (D.D.C. 1982) and on remand to, 578 F. Supp. 231 (D.D.C. 1984), aff'd in part, remanded in part, 807 F.2d. 180 (D.C. Cir. 1986), on remand to, 723 F. Supp. 1535 (D.D.C. 1989), related reference, 1991 WL 120167 (D.D.C. 1991), remanded, 1992 WL 394503 (D.C. Cir. 1992).

<sup>13</sup> *Mitchell v. Harmony*, 54 U.S. 115, 13 How. 115, 14 L.Ed. 75 (1851).

<sup>14</sup> *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 72 S.Ct. 863, 96 L.Ed. 1153, 47 Ohio.Op. 430, 47 Ohio.Op. 460, 62 Ohio.L.Abs. 417, 62 Ohio.L.Abs. 473, 26 A.L.R.2d. 1378 (1952).

office if you ask them to register to vote as a person with no domicile, even though that is the ONLY place you register.

4. The terms "CONSTITUTIONAL" and "STATUTORY" only relate to the coincidence of DOMICILE and the GEOGRAPHY it is tied to. It has nothing to do with nationality, because nationality is not a source of civil jurisdiction or civil status. "national", in fact, is a political status, not a civil status. The allegiance that gives rise to nationality is, in fact, political and not territorial in nature. Abandoning that allegiance is an expatriating act according to 8 U.S.C. §1481.

HOWEVER, the STATUTORY and CONSTITUTIONAL contexts DO apply to the term "alien" as defined in 26 U.S.C. §7701(b)(1)(A) because:

1. "nonresident aliens" are a SUBSET of "aliens", not a SUPERSET. See 26 C.F.R. §1.1441-1(c)(3).
2. A STATUTORY "national of the United States\*\*" under 8 U.S.C. §1101(a)(22) and a "national" as mentioned in the definition of "nonresident alien" under 26 U.S.C. §7701(b)(1)(A) are the SAME thing.
3. Those who are state nationals per 8 U.S.C. §1101(a)(21) and who are engaged in a public office can be "nonresident aliens" under 26 U.S.C. §7701(b)(1)(B) but STILL not be "aliens" as defined in 26 U.S.C. §7701(b)(1)(A). This exception would apply to both "non-citizen nationals of the United States\*\*" defined in 8 U.S.C. §1408 as well as state nationals. HOWEVER, the office being served MUST be expressly authorized by 4 U.S.C. §72 to be exercised where it is exercised and that place must be in the federal zone when exercised.

### **3. "DOMICILE" (citizens) v. "RESIDENCE" (aliens)<sup>15</sup>**

A very important subject to study as the origin of all government civil statutory jurisdiction is the subject of domicile. Domicile is an EXTREMELY important subject to learn because it defines and circumscribes:

1. The boundary between what is legislatively "foreign" and legislatively "domestic" in relation to a specific jurisdiction. Everyone domiciled OUTSIDE a specific jurisdiction is legislatively and statutorily "foreign" in relation to that civil jurisdiction. Note that you can be DOMESTIC from a CONSTITUTIONAL perspective and yet ALSO be FOREIGN from a legislative jurisdiction AT THE SAME TIME. This is true of the relationship of most Americans with the national government.
2. The boundary between what is LEGAL speech and POLITICAL speech. For everyone not domiciled in a specific jurisdiction, the civil law of that jurisdiction is POLITICAL and unenforceable. Since real constitutional courts cannot entertain political questions, then they cannot act in a political capacity against nonresidents.

So let us begin our coverage of this MOST important subject.

#### **3.1 Domicile: You aren't subject to civil statutory law without your explicit voluntary consent**

The purpose of establishing government is solely to provide "protection". Those who wish to be protected by a specific government under the civil law must expressly consent to be protected by choosing a domicile within the civil jurisdiction of that specific government.

1. Those who have made such a choice and thereby become "customers" of the protection afforded by government are called by any of the following names under the civil laws of the jurisdiction they have nominated to protect them:
  - 1.1. "citizens", if they were born somewhere within the country which the jurisdiction is a part.
  - 1.2. "residents" (aliens) if they were born within the country in which the jurisdiction is a part
  - 1.3. "inhabitants", which encompasses both "citizens", and "residents" but excludes foreigners
  - 1.4. "persons".
  - 1.5. "individuals".
2. Those who have not become "customers" or "protected persons" of a specific government are called by any of the following names within the civil laws of the jurisdiction they have refused to nominate as their protector and may NOT be called by any of the names in item 1 above:
  - 2.1. "nonresidents"
  - 2.2. "transient foreigners"

<sup>15</sup> Adapted from: *Great IRS Hoax*, Form #11.302, Section 4.9; <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.

- 2.3. "stateless"
- 2.4. "in transitu"
- 2.5. "transient"
- 2.6. "sojourner"

In law, the process of choosing a domicile within the jurisdiction of a specific government is called "*animus manendi*". That choice makes you a consenting party to the "civil contract", "social compact", and "private law" that attaches to and therefore protects all "inhabitants" and things physically situated on or within that specific territory, venue, and jurisdiction. In a sense then, your consent to a specific jurisdiction by your choice of domicile within that jurisdiction is what creates the "person", "individual", "citizen", "resident", or "inhabitant" which is the only proper subject of the civil laws passed by that government. In other words, choosing a domicile within a specific jurisdiction causes an implied waiver of sovereign immunity, because the courts admit that the term "person" does not refer to the "sovereign":

*"Since in common usage, the term person does not include the sovereign, statutes not employing the phrase are ordinarily construed to exclude it."*

*[United States v. Cooper Corporation, 312 U.S. 600 (1941)]*

*"Sovereignty itself is, of course, not subject to law for it is the author and source of law;"*

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

*"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People, and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."*

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

Those who have become customers of government protection by choosing a domicile within a specific government then owe a duty to pay for the support of the protection they demand. The method of paying for said protection is called "taxes". In earlier times this kind of sponsorship was called "tribute".

Even for civil laws that are enacted with the consent of the majority of the governed, we must *still* explicitly and individually consent to be subject to them as a person "among those governed" before they can be enforced against us.

*"When a change of government takes place, from a monarchial to a republican government, the old form is dissolved. Those who lived under it, and did not choose to become members of the new, had a right to refuse their allegiance to it, and to retire elsewhere. By being a part of the society subject to the old government, they had not entered into any engagement to become subject to any new form the majority might think proper to adopt. That the majority shall prevail is a rule posterior to the formation of government, and results from it. It is not a rule upon mankind in their natural state. There, every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent"*

*[Cruden v. Neale, 2 N.C., 2 S.E. 70 (1796)]*

This requirement for the consent to the protection afforded by government is the foundation of our system of government, according to the Declaration of Independence: consent of the governed. The U.S. Supreme Court admitted this when it said:

*"The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which*

*owes allegiance to two sovereignties, and claims protection from both. The citizen cannot*

*complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to*

*speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction."*

*[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]*

How, then, did you “voluntarily submit” yourself to such a form of government and thereby contract with that government for “protection”? If people fully understood how they did this, many of them would probably immediately withdraw their consent and completely drop out of the corrupted, inefficient, and usurious system of government we have, now wouldn’t they? We have spent six long years researching this question, and our research shows that it wasn’t your citizenship as a POLITICAL “national” but not CIVIL “citizen” pursuant to 8 U.S.C. §1101(a)(21) that made you subject to their civil laws. Well then, what was it?

### ***It was your voluntary choice of domicile!***

In fact, the “citizen” the Supreme Administrative Court is talking about above is a statutory “citizen” and not a constitutional “citizen”, and the only way you can become subject to statutory civil law is to have a domicile within the jurisdiction of the sovereign. Below is a legal definition of “domicile”:

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

*“This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the **claim to be protected** is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized citizens pay for theirs. **He is under the bonds of allegiance to the country of his residence, and, if he breaks them, incurs the same penalties. He owes the same obedience to the civil laws.** His property is, in the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and their condition as to the duties and burdens of Government are undistinguishable.”*  
[Fong Yue Ting v. United States, [149 U.S. 698](#) (1893)]

Notice the phrase “civil laws” above and the term “claim to be protected”. What they are describing is a contract to procure the protection of the government, from which a “claim” arises. Those who are not party to the domicile/protection contract have no such claim and are immune from the civil jurisdiction of the government. In fact, there are only three ways to become subject to the civil jurisdiction of a specific government. These ways are:

1. Choosing domicile within a specific jurisdiction.
2. Representing an entity that has a domicile within a specific jurisdiction even though not domiciled oneself in said jurisdiction. For instance, representing a federal corporation as a public officer of said corporation, even though domiciled outside the federal zone. The authority for this type of jurisdiction is, for instance, Federal Rule of Civil Procedure 17(b).
3. Engaging in commerce within the civil legislative jurisdiction of a specific government and thereby waiving sovereign immunity under:
  - 3.1. The Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1605.
  - 3.2. The Minimum Contacts Doctrine, U.S. Supreme Court, which implements the Fourteenth Amendment. See International Shoe Co. v. Washington, 326 U.S. 310 (1945).
  - 3.3. The Longarm Statutes of the state jurisdiction where you are physically situated at the time. For a list of such state statutes, see:
    - 3.3.1. SEDM Jurisdictions Database, Litigation Tool #09.003  
<http://sedm.org/Litigation/LitIndex.htm>
    - 3.3.2. SEDM Jurisdictions Database Online, Litigation Tool #09.004  
<http://sedm.org/Litigation/LitIndex.htm>

We allege that if the above rules are violated then the following consequences are inevitable:

1. A crime has been committed. That crime is identity theft against a nonresident party and it involves using a person’s legal identity as a “person” for the commercial benefit of someone else without their express consent. Identity theft is a crime in every jurisdiction within the USA. The SEDM Jurisdictions Database, Litigation Tool #09.003 indicated above lists identity theft statutes for every jurisdiction in the USA.

2. If the entity disregarding the above rules claims to be a “government” then it is acting instead as a private corporation and must waive sovereign immunity and approach the other party to the dispute in EQUITY rather than law, and do so in OTHER than a franchise court. Franchise courts include U.S. District Court, U.S. Circuit Court, Tax Court, Traffic Court, Family Court, etc. Equity is impossible in a franchise court.

*See also Clearfield Trust Co. v. United States, 318 U.S. 363, 369 (1943) (“The United States does business on business terms”) (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926)); *Perry v. United States*, *supra* at 352 (1935) (“When the United States, with constitutional authority, makes contracts for franchises, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent”) (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) (“The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf”); *Cooke v. United States*, 91 U.S. 389, 398 (1875) (explaining that when the United States “comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there”).*

*See Jones, 1 Cl.Ct. at 85 (“Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant”); *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, “[w]here [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action”). The dissent ignores these statements (including the statement from Jones, from which case Horowitz drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party. [*United States v. Winstar Corp.* 518 U.S. 839 (1996)]*

Below are some interesting facts about domicile that we have discovered through our extensive research on this subject:

1. Domicile is based on where you currently live or have lived in the past. You can’t choose a domicile in a place that you have never physically been to.
2. Domicile is a voluntary choice that only you can make. It acts as the equivalent of a “protection contract” between you and the government. All such contracts require your voluntary “consent”, which the above definition calls “intent”. That “intent” expresses itself as “allegiance” to the people and the laws of the place where you maintain a domicile.

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

3. Domicile cannot be established without a coincidence of living or having lived in a place and voluntarily consenting to live there “permanently”.
4. Domicile is a protected First Amendment choice of political association. Since the government may not lawfully interfere with your right of association, they cannot lawfully select a domicile for you or interfere with your choice of domicile.
5. Domicile is what is called the “seat” of your property. It is the “state” and the “government” you voluntarily nominate to protect your property and your rights. In effect, it is the “weapon” you voluntarily choose that will best protect your property and rights, not unlike the weapons that early cavemen crafted and voluntarily used to protect themselves and their property.
6. The government cannot lawfully coerce you to choose a domicile in a place. A government that coerced you into choosing a domicile in their jurisdiction is engaging in a “protection racket”, which is highly illegal. A coerced domicile it is not a domicile of your choice and therefore lawfully confers no jurisdiction or rights upon the government:

*“Similarly, when a person is prevented from leaving his domicile by circumstances not of his doing and beyond his control, he may be relieved of the consequences attendant on domicile at that place. In *Roboz* (USDC D.C. 1963) [*Roboz v. Kennedy*, 219 F.Supp. 892 (D.D.C. 1963), p. 24], a federal statute was involved which precluded the return of an alien's property if he was found to be domiciled in Hungary prior to a certain date. It was found*



that Hungary was Nazi-controlled at the time in question and that the persons involved would have left Hungary (and lost domicile there) had they been able to. Since they had been precluded from leaving because of the political privations imposed by the very government they wanted to escape (the father was in prison there), the court would not hold them to have lost their property based on a domicile that circumstances beyond their control forced them to retain."  
[Conflicts In A Nutshell, Second Edition, David D. Siegel, West Publishing, 1994, ISBN 0-314-02952-4, p. 24]

7. Domicile is a method of lawfully delegating authority to a "sovereign" to protect you. That delegation of authority causes you to voluntarily surrender some of your rights to the government in exchange for "protection". That protection comes from the civil and criminal laws that the sovereign passes, because the purpose of all government and all law is "protection". The U.S. Supreme Court calls this delegation of authority "allegiance". To wit:

**"Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance."**  
[Minor v. Happersett, 88 U.S. (21 Wall.) 162, 166-168 (1874)]

8. All allegiance must be voluntary, which is why only consenting adults past the age of majority can have a legal domicile. The following facts confirm this conclusion:
- 8.1. Minors cannot choose a domicile, but by law assume the domicile of their parents.
  - 8.2. Incompetent or insane persons assume the domicile of their caregivers.
9. It is perfectly lawful to have a domicile in a place OTHER than the place you currently live. Those who find themselves in this condition are called "transient foreigners", and the only laws they are subject to are the criminal laws in the place they are at.

"Transient foreigner. One who visits the country, without the intention of remaining."  
[Black's Law Dictionary, Sixth Edition, p. 1498]

10. There are many complicated rules of "presumption" about how to determine the domicile of an individual:
- 10.1. You can read these rules on the web at:

28 Corpus Juris Secundum (C.J.S.), Domicile (2003)  
<http://famguardian.org/TaxFreedom/CitesByTopic/Domicile-28CJS-20051203.pdf>

- 10.2. The reason that the above publication about domicile is so complicated and long, is that its main purpose is to disguise the *voluntary, consensual* nature of domicile or remove it entirely from the decisions of courts and governments so that simply being present on the king's land makes one into a "subject" of the king. This is not how a republican form of government works and we don't have a monarchy in this country that would allow this abusive approach to law to function.

"Yet, it is to be remembered, and that whether in its real origin, or in its artificial state, allegiance, as well as fealty, rests upon lands, and it is due to persons. Not so, with respect to Citizenship, which has arisen from the dissolution of the feudal system and is a substitute for allegiance, corresponding with the new order of things. **Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact [CONTRACT!]; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither serve to controul, nor to elucidate.** And yet, even among the nations, in which the law of allegiance is the most firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the invincible power of truth, and the homage, which, under every modification of government, must be paid to the inherent rights of man.....**The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign...."**  
[Talbot v. Janson, 3 U.S. 133 (1795); From the syllabus but not the opinion; SOURCE:  
[http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supt/html/historics/USSC\\_CR\\_0003\\_0133\\_ZS.html](http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supt/html/historics/USSC_CR_0003_0133_ZS.html)]

- 10.3. These rules of presumption relating to domicile may only lawfully act in the *absence of express declaration* of your domicile provided to the government in written form or when various sources of evidence conflict with each other about your choice of domicile.

**"This [government] right of domicile, he continues, is not established unless the person makes sufficiently known his intention of fixing there, either tacitly or by an express declaration.** Vatt. *Law Nat.* pp. 92, 93."  
[Fong Yue Ting v. United States, 149 U.S. 698 (1893)]

10.4. The purpose for these rules is basically to manufacture the “presumption” that courts can use to “ASSUME” or “PRESUME” that you consented to their jurisdiction, even if in fact you did not explicitly do so. All such prejudicial presumptions which might adversely affect your Constitutionally guaranteed rights are unconstitutional, according to the U.S. Supreme Court:

1) [8:4993] **Conclusive presumptions affecting protected interests:** A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) [414 U.S. 632](#), 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process] [Federal Civil Trials and Evidence (2005), Rutter Group, paragraph 8:4993, p. 8K-34]

10.5. The purpose for these complicated rules of presumption is to avoid the real issue, which is whether you voluntarily consent to the civil statutory jurisdiction of the government and the courts in an area, because they cannot proceed civilly without your express consent manifested as a voluntary choice of domicile. In most cases, if litigants knew that all they had to do to avoid the jurisdiction of the court was to not voluntarily select a domicile within the jurisdiction of the court, most people would become “transient foreigners” so the government could do nothing other than just “leave them alone”.

11. You can choose a domicile any place you want, so long as you have physically been present in that place at least once in the past. The only requirement is that you must ensure that the government or sovereign who controls the place where you live has received “reasonable notice” of your choice of domicile and of their corresponding obligation to protect you.

*The writers upon the law of nations distinguish between a temporary residence in a foreign country for a special purpose and a residence accompanied with an intention to make it a permanent place of abode. The latter is styled by Vattel [in his book The Law of Nations as] "domicile," which he defines to be "a habitation fixed in any place, with an intention of always staying there." Such a person, says this author, becomes a member of the new society at least as a permanent inhabitant, and is a kind of citizen of the inferior order from the native citizens, but is, nevertheless, united and subject to the society, without participating in all its advantages. This right of domicile, he continues, is not established unless the person makes sufficiently known his intention of fixing there, either tacitly or by an express declaration. Vatt. *Law Nat.* pp. 92, 93. Grotius nowhere uses the word "domicile," but he also distinguishes between those who stay in a foreign country by the necessity of their affairs, or from any other temporary cause, and those who reside there from a permanent cause. The former he denominates "strangers," and the latter, "subjects." The rule is thus laid down by Sir Robert Phillimore:*

*There is a class of persons which cannot be, strictly speaking, included in either of these denominations of naturalized or native citizens, namely, the class of those who have ceased to reside [maintain a domicile] in their native country, and have taken up a permanent abode in another. These are domiciled inhabitants. They have not put on a new citizenship through some formal mode enjoined by the law or the new country. They are de facto, though not de jure, citizens of the country of their [new chosen] domicile.* [Fong Yue Ting v. United States, [149 U.S. 698](#) (1893)]

Notice the phrase “This right of domicile. . . is not established unless the person makes sufficiently known his intention of fixing there, either tacitly or by an express declaration.”

12. The process of notifying the government that you have nominated them as your protector occurs based on how you fill out usually government and financial forms that you fill out such as:

12.1. Driver’s license applications. You cannot get a driver’s license in most states without selecting a domicile in the place that you want the license from. See:

[Defending Your Right to Travel](#), Form #06.010  
<http://sedm.org/ItemInfo/Ebooks/DefYourRightToTravel.htm>

12.2. Voter registration. You cannot register to vote without a domicile in the place you are voting.

12.3. Jury summons. You cannot serve as a jurist without a domicile in the jurisdiction you are serving in.

12.4. On financial forms, any form that asks for your “residence”, “permanent address”, or “domicile”.

13. If you want to provide unambiguous legal notice to the state of your choice to disassociate with them and become a “transient foreigner” in the place where you live who is not subject to the civil laws, you can use the following free form:

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

We emphasize that there is no method OTHER than domicile available in which to **consent** to the civil statutory laws of a specific place. None of the following conditions, for instance, may form a basis for a prima facie presumption that a specific human being consented to be civilly governed by a specific municipal government:

1. Simply being born and thereby becoming a statutory “national” (per 8 U.S.C. §1101(a)(21)) of a specific country is NOT an exercise of personal discretion or an express act of consent.
2. Simply living in a physical place WITHOUT choosing a domicile there is NOT an exercise of personal discretion or an express act of consent.

The subject of domicile is a complicated one. Consequently, we have written a separate memorandum of law on the subject if you would like to investigate this fascinating subject further:

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

### 3.2 Effect of domicile on CIVIL STATUTORY “status”<sup>16</sup>

The law of domicile is almost exclusively the means of determining one’s “civil status” under the civil statutory laws of a given territory:

#### § 29. Status

*It may be laid down that the, status- or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicil. The older jurists, whose opinions are fully collected by Story I and Burge, maintained, with few exceptions, the principle of the ubiquity of status, conferred by the lex domicilii with little qualification. Lord Westbury, in Udny v. Udny, thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of domicil, which is the criterion established by law for the purpose of determining civil status. For it is on this basis that the personal rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of Ross v. Ross, speaking with special reference to capacity to inherit, says: "It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take certain rights in that other's property, is fixed by the law of the domicil; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."*  
[A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and Company, 1887, p. 89]

We have already established that civil law attaches to one’s VOLUNTARY choice of civil domicile. Civil law, in turn, enforces and thereby delivers certain “privileges” against those who are subject to it. In that sense, the civil law acts as a voluntary franchise or “protection franchise” that is only enforceable against those who voluntarily consent to avail themselves of its “benefits” or “protections”. Those who voluntarily and consensually avail themselves of such “benefits” and who are therefore SUBJECT to the “protection franchise” called domicile, in turn, are treated as public officers within the government under federal law, as is exhaustively established in the following memorandum:

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

The key thing to understand about all franchises is that the Congressionally created privileges or “public rights” they enforce attach to specific STATUSES under them. An example of such statuses include:

1. “Person” or “individual”.
2. “Alien”
3. “Nonresident alien”
4. “Driver” under the vehicle code of your state.
5. “Spouse” under the family code of your state.
6. “Taxpayer” under the Internal Revenue Code at 26 U.S.C. §7701(a)(14).
7. “Citizen”, “resident”, or “inhabitant” under the civil laws of your state.

<sup>16</sup> Source: *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 11.17; <http://sedm.org/Forms/FormIndex.htm>.

1 The above civil statutory statuses:

- 2 1 Are contingent for their existence on a DOMICILE in the geographical place or territory that the law applies to.  
3 Hence, a "nonresident alien" or even "alien" civil status within the Internal Revenue Code, for instance, only applies if  
4 one is PHYSICALLY PRESENT on federal territory or consensually domiciled there. If you are not physically on  
5 federal territory and not domiciled there and not representing a public office domiciled there, you CANNOT be  
6 ANYTHING under the Internal Revenue Code.
- 7 2 Are TEMPORARY, because your domicile can change.
- 8 3 Extinguish when you terminate your domicile and/or your presence in that place.
- 9 4 Are the very SAME "statuses" you find on ALL government forms and applications, such as voter registrations,  
10 drivers' license applications, marriage license applications, etc. The purpose of filling out all such applications is to  
11 CONTRACT to PROCURE the status indicated on the form and have it RECOGNIZED by the government grantor  
12 who created the privileges you are pursuing under the civil law franchises that implement the form or application.

13 The ONLY way to AVOID contracting into the civil franchise if you are FORCED to fill out government forms is to:

- 14 1. Define all terms on the form in a MANDATORY attachment so as to EXCLUDE those found in any government law.  
15 Write above your signature the following:

16 *"Not valid, false, fraudulent, and perjurious unless accompanied by the SIGNED attachment entitled*  
17 *\_\_\_\_\_, consisting of \_\_\_ pages."*

- 18 2. Indicate "All rights reserved, U.C.C. §1-308" near the signature line on the application.
- 19 3. Indicate "Non assumpsit" on the application, or scribble it as your signature.
- 20 4. Indicate "duress" on the form.
- 21 5. Resubmit the form after the fact either in person or by mail fixing the application to indicate duress and withdraw your  
22 consent.
- 23 6. Ask the government accepting the application to indicate that you are not qualified because you do not consent and  
24 consent is mandatory. Then show that denial to the person who is trying to FORCE you to apply.
- 25 7. Submit a criminal complaint against the party instituting the duress to get you to apply.
- 26 8. Notify the person instituting the unlawful duress that they are violating your rights and demand that they retract their  
27 demand for you to apply for something.

28 Below is an authority proving this phenomenon as explained by the U.S. Supreme Court:

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

1 The protections of the Constitution and the common law, on the other hand, attach NOT to your STATUTORY status, but to  
2 the LAND you stand on at the time you receive an injury from either the GOVERNMENT or a PRIVATE human being,  
3 respectively:

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

7 The thing that we wish to emphasize about this important subject is the following VERY IMPORTANT facts:

- 8 1. Your STATUS under the civil STATUTORY law is exclusively determined by the exercise of your PRIVATE,  
9 UNALIENABLE right to both contract and associate, which are protected by the First Amendment to the United States  
10 Constitution.
- 11 2. The highest exercise of your right to sovereignty is the right to determine and enforce the STATUS you have  
12 CONSENSUALLY and VOLUNTARILY acquired under the civil laws of the community you are in.
- 13 3. Anyone who tries to associate a CIVIL statutory status with you absent your DEMONSTRATED, EXPRESS,  
14 WRITTEN consent is:
  - 15 3.1. Violating due process of law.
  - 16 3.2. STEALING property or rights to property from you. The "rights" or "public rights" that attach to the status are  
17 the measure of WHAT is being "stolen".
  - 18 3.3. Exercising eminent domain without compensation against otherwise PRIVATE property in violation of the state  
19 constitution. The property subject to the eminent domain is all the rights that attach to the status they are  
20 FORCING upon you. YOU and ONLY YOU have the right to determine the compensation you are willing to  
21 accept in exchange for your private rights and private property.
  - 22 3.4. Compelling you to contract with the government that created the franchise status, because all franchises are  
23 contracts.
  - 24 3.5. Kidnapping your legal identity and moving it to a foreign state, if the STATUS they impute to you arises under  
25 the laws of a foreign state. This, in turn, is an act of INTERNATIONAL TERRORISM in criminal violation of  
26 18 U.S.C. §2331(1)(B)(iii).
- 27 4. All de jure government civil law is TERRITORIAL in nature and attaches ONLY to the territory upon which they have  
28 EXCLUSIVE or GENERAL jurisdiction. It does NOT attach and CANNOT attach to places where they have only  
29 SUBJECT matter jurisdiction, such as in states of the Union.

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

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

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

- 40 5. The prerequisite to having ANY statutory STATUS under the civil law of any de jure government is a DOMICILE  
41 within the EXCLUSIVE jurisdiction of that specific government that enacted the statute.
- 42 6. You CANNOT lawfully acquire a statutory STATUS under the CIVIL laws of a foreign jurisdiction if you have either:
  - 43 6.1. Never physically been present within the exclusive jurisdiction of the foreign jurisdiction.
  - 44 6.2. Never EXPRESSLY consented to be treated as a "citizen", "resident", or "inhabitant" within that jurisdiction,  
45 even IF physically present there.
  - 46 6.3. NOT been physically present in the foreign jurisdiction LONG ENOUGH to satisfy the residency requirements of  
47 that jurisdiction.
- 48 7. Any government that tries to REMOVE the domicile prerequisite from any of the franchises it offers by any of the  
49 following means is acting in a purely private, commercial capacity using PRIVATE and not PUBLIC LAW and the  
50 statutes then devolve essentially into an act of PRIVATE contracting. Methods of acting in such a capacity include,  
51 but are not limited to the following devious methods by dishonest, criminal, and treasonous public servants:
  - 52 7.1. Treating EVERYONE as "persons" or "individuals" under the franchise statutes, INCLUDING those outside of  
53 their territory.



- 7.2. Saying that EVERYONE is eligible for the franchise, no matter where they PHYSICALLY are, including in places OUTSIDE of their exclusive or general jurisdiction.
- 7.3. Waiving the domicile prerequisite as a matter of policy, even though the statutes describing it require that those who participate must be “citizens”, “residents”, or “inhabitants” in order to participate. The Social Security does this by unconstitutional FIAT, in order to illegally recruit more “taxpayers”.
8. When any so-called “government” waives the domicile prerequisite by the means described in the previous step, the following consequences are inevitable and MANDATORY:
- 8.1. The statutes they seek to enforce are “PRIVATE LAW”.
- 8.2. It is FRAUD to call the statutes “PUBLIC LAW” that applies equally to EVERYONE.

*“Municipal law, thus understood, is properly defined to be “a rule of civil conduct prescribed by the supreme power in a state, commanding what is right and prohibiting what is wrong.”*

[ . . . ]

*It is also called a rule to distinguish it from a compact or agreement; for a compact is a promise proceeding from us, law is a command directed to us. The language of a compact is, “I will, or will not, do this”; that of a law is, “thou shalt, or shalt not, do it.” It is true there is an obligation which a compact carries with it, equal in point of conscience to that of a law; but then the original of the obligation is different. In compacts we ourselves determine and promise what shall be done, before we are obliged to do it; in laws, we are obliged to act without ourselves determining or promising anything at all. Upon these accounts law is defined to be “a rule.”*

*[Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 4]*

- 8.3. They agree to be treated on an equal footing with every other PRIVATE business.
- 8.4. Their franchises are on an EQUAL footing to every other type of private franchise such as McDonalds franchise agreements.
- 8.5. They implicitly waive sovereign immunity and agree to be sued in the courts within the extraterritorial jurisdiction they are illegally operating under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Part IV, Chapter 97. Sovereign immunity is ONLY available as a defense against DE JURE government activity in the PUBLIC interest that applies EQUALLY to any and every citizen.
- 8.6. They may not enforce federal civil law against the party in the foreign jurisdiction that they are illegally offering the franchise in.
- 8.7. If the foreign jurisdiction they are illegally enforcing the franchise within is subject to the constraint that the members of said community MUST be treated equally under the requirements of their constitution, then the franchise cannot make them UNEQUAL in ANY respect. This would be discrimination and violate the fundamental law.

Consistent with the above, below is how the U.S. Supreme Court describes attempts to enforce income taxes against NONRESIDENT parties domiciled in a legislatively foreign state, such as either a state of the Union or a foreign country:

*“The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicil of the owner partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v. Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19 Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v. Boston, 158 Mass. 509, 519.”*

*[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]*

An example of how the government cannot assign the statutory status of “taxpayer” upon you per 26 U.S.C. §7701(a)(14) is found in 28 U.S.C. §2201(a), which reads:

*United States Code  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE*

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

Consistent with the federal Declaratory Judgments Act, 28 U.S.C. §2201, federal courts who have been petitioned to declare a litigant to be a “taxpayer” have declined to do so and have cited the above act as authority:

Specifically, Rowen seeks a declaratory judgment against the United States of America with respect to “whether or not the plaintiff is a taxpayer pursuant to, and/or under 26 U.S.C. §7701(a)(14).” (See Compl. at 2.) This Court lacks jurisdiction to issue a declaratory judgment “with respect to Federal taxes other than actions brought under section 7428 of the Internal Revenue Code of 1986,” a code section that is not at issue in the instant action. See 28 U.S.C. §2201; see also Hughes v. United States, 953 F.2d. 531, 536-537 (9th Cir. 1991) (affirming dismissal of claim for declaratory relief under § 2201 where claim concerned question of tax liability). Accordingly, defendant’s motion to dismiss is hereby GRANTED, and the instant action is hereby DISMISSED. [*Rowen v. U.S., 05-3766MMC, (N.D.Cal. 11/02/2005)*]

The implications of the above are that:

1. The federal courts have no lawful delegated authority to determine or declare whether you are a “taxpayer”.
2. If federal courts cannot directly declare you a “taxpayer”, then they also cannot do it indirectly by, for instance:
  - 2.1. Presuming that you are a “taxpayer”. This is a violation of due process of law that renders a void judgment. Presumptions are not evidence and may not serve as a SUBSTITUTE for evidence.
  - 2.2. Calling you a “taxpayer” before you have called yourself one.
  - 2.3. Arguing with or penalizing you if you rebut others from calling you a “taxpayer”.
  - 2.4. Quoting case law as authority relating to “taxpayers” against a “nontaxpayer”. That’s FRAUD and it also violates Federal Rule of Civil Procedure 17(b).
  - 2.5. Quoting case law from a franchise court in the Executive rather than Judicial branch such as the U.S. Tax Court against those who are not franchisees called “taxpayers”.
  - 2.6. Treating you as a “taxpayer” if you provide evidence to the contrary by enforcing any provision of the I.R.C. Subtitle A “taxpayer” franchise agreement against you as a “nontaxpayer”.

“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national Government] and not to non-taxpayers [non-resident non-persons domiciled within the exclusive jurisdiction of a state of the Union and not subject to the exclusive jurisdiction of the national Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law.”  
[*Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)*]

Authorities supporting the above include the following:

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

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

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

1 "It is axiomatic that the government cannot do indirectly (i.e. through funding decisions) what it cannot do  
2 directly."  
3 [Com. of Mass. v. Secretary of Health and Human Services, 899 F.2d. 53, C.A.1 (Mass.) (1990)]  
4

5 "Almost half a century ago, this Court made clear that the government "may not enact a regulation providing  
6 that no Republican ... shall be appointed to federal office." Public Workers v. Mitchell, 330 U.S. 75, 100, 67 S.Ct.  
7 556, 569, 91 L.Ed. 754 (1947). What the \*78 First Amendment precludes the government\*\*2739 from  
8 commanding directly, it also precludes the government from accomplishing indirectly. See Perry, 408 U.S., at  
9 597, 92 S.Ct., at 2697 (citing Speiser v. Randall, 357 U.S. 513, 526, 78 S.Ct. 1332, 1342, 2 L.Ed.2d. 1460  
10 (1958)); see supra, at 2735."  
11 [Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, U.S. Ill. (1990)]  
12

13 "Similarly, numerous cases have held that governmental entities cannot do indirectly that which they cannot  
14 do directly. See \*841 Board of County Comm'rs v. Umbehr, 518 U.S. 668, 674, 116 S.Ct. 2342, 135 L.Ed.2d.  
15 843 (1996) (holding that the First Amendment protects an independent contractor from termination or  
16 prevention of the automatic renewal of his at-will government contract in retaliation for exercising his freedom  
17 of speech); El Dia, Inc. v. Rossello, 165 F.3d. 106, 109 (1st Cir.1999) (holding that a government could not  
18 withdraw advertising from a newspaper which published articles critical of that administration because it  
19 violated clearly established First Amendment law prohibiting retaliation for the exercising of freedom of  
20 speech); North Mississippi Communications v. Jones, 792 F.2d. 1330, 1337 (5th Cir.1986) (same). The  
21 defendants violated clearly established Due Process and First Amendment law by boycotting the plaintiffs'  
22 business in an effort to get them removed from the college."  
23 [Kinney v. Weaver, 111 F.Supp.2d. 831, E.D.Tex. (2000)]

24 If you would like further evidence proving that it is a violation of your constitutional rights for the government to associate  
25 any civil status against you without your consent, see:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

### 26 3.3 "Subject to THE jurisdiction" in the Fourteenth Amendment

27 The phrase "Subject to THE jurisdiction" is found in the Fourteenth Amendment:

28 U.S. Constitution:  
29 [Fourteenth Amendment](#)

30 Section. 1. All persons born or naturalized in the United States[\*\*\*] and subject to the jurisdiction thereof, are  
31 citizens of the United States[\*\*\*] and of the State wherein they reside.

32 The phrase "subject to THE jurisdiction" in the context of ONLY the Fourteenth Amendment:

33 1. Means "subject to the POLITICAL and not LEGISLATIVE jurisdiction".

34 "This section contemplates two sources of citizenship, and two sources only, birth and naturalization. The  
35 persons declared to be citizens are 'all persons born or naturalized in the United States, and **subject to the**  
36 **jurisdiction thereof.**' The evident meaning of these last words is, not merely subject in some respect or degree to  
37 the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the  
38 Union] political jurisdiction, and owing them [the state of the Union] direct and immediate  
39 allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time  
40 of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth  
41 cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the  
42 naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."  
43 [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

44 2. Requires domicile, which is voluntary, in order to be subject ALSO to the civil LEGISLATIVE jurisdiction of the  
45 municipality one is in. Civil status always has domicile as a prerequisite.

46 In *Udny v. Udny* (1869) L.R., 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the  
47 question whether the domicile of the father was in England or in Scotland, he being in either alternative a British  
48 subject. Lord Chancellor Hatherley said: "The question of naturalization and of allegiance is distinct from that  
49 of domicile." Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by  
50 saying: "The law of England, and of almost all civilized countries, ascribes to each individual at his birth two

1 distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some  
2 particular country, binding him by the tie of natural allegiance, and which may be called his political status;  
3 another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as  
4 such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the  
5 civil status or condition of the individual, and may be quite different from his political status.' And then, while  
6 maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the  
7 criterion established by international law for the purpose of determining civil status, and the basis on which  
8 'the personal rights of the party—that is to say, the law which determines his majority or minority, his  
9 marriage, succession, testacy, or intestacy— must depend,' he yet distinctly recognized that a man's political  
10 status, his country (patria), and his 'nationality,—that is, natural allegiance,—'may depend on different laws in  
11 different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather  
12 to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British  
13 dominion are natural-born subjects.  
14 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;  
15 SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]

- 16 3. Is a POLITICAL status that does not carry with it any civil status to which PUBLIC rights or franchises can attach.  
17 Therefore, the term “citizen” as used in Title 26 is NOT this type of citizen, since it imposes civil obligations. All tax  
18 obligations are civil in nature and depend on DOMICILE, not NATIONALITY. See District of Columbia v. Murphy,  
19 314 U.S. 441 (1941) and:

Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002, Section 11.7  
<https://sedm.org/Forms/FormIndex.htm>

- 20 4. Is a product of PERMANENT ALLEGIANCE that is associated with the political status of “nationals” as defined in 8  
21 U.S.C. §1101(a)(21). The only thing that can or does establish a political status is such allegiance.

22 [8 U.S.C. §1101](#): Definitions

23 (a) As used in this chapter—

24 (21) The term "national" means a person owing permanent allegiance to a state.

25  
26 “Allegiance and protection [by the government from harm] are, in this connection, reciprocal obligations. The  
27 one is a compensation for the other; allegiance for protection and protection for allegiance.”  
28 [Minor v. Happersett, [88 U.S. \(21 Wall.\) 162](#), 166-168 (1874)]

- 29 5. Is NOT a product of TEMPORARY allegiance owed by aliens who are sojourners temporarily in the United States and  
30 subject to the laws but do not have PERMANENT allegiance. Note the phrase “temporary and local allegiance” in the  
31 ruling below:

32 The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are  
33 found' were stated as follows: 'When private individuals of one nation [states of the Unions are “nations” under  
34 the law of nations] spread themselves through another as business or caprice may direct, mingling  
35 indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade,  
36 it would be obviously inconvenient and dangerous to society, and would subject the laws to continual  
37 infraction, and the government to degradation, if such individuals or merchants did not owe temporary and  
38 local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have  
39 any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him,  
40 nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons  
41 of this description from the jurisdiction of the country in which they are found, and no one motive for requiring  
42 it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7  
43 Cranch, 144.

44 In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction  
45 of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed  
46 by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own  
47 consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial  
48 jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory  
49 with its permission, and of their foreign ministers and public ships of war; and that the implied license, under  
50 which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants,  
51 for purposes of business or pleasure, can never be construed to grant to them an exemption from the  
52 jurisdiction of the country in which they are found. See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155; Radich  
53 v. Hutchins (1877) 95 U.S. 210; Wildenhus' Case (1887) 120 U.S. 1, 7 Sup.Ct. 385; Chae Chan Ping v. U.S.  
54 (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.  
55 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

The first observation we have to make on this clause is, that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States without regard to their citizenship of a particular State, and it overturns the Dred Scott decision by making all persons born within the United States and subject to its jurisdiction citizens of the United States. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase, "subject to its jurisdiction" was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States.  
[Slaughter-House Cases, 83 U.S. 36 (1873)]

6. Relates only to the time of birth or naturalization and not to one's CIVIL status at any time AFTER birth or naturalization.
7. Is a codification of the following similar phrase found in the Civil Rights Act of 1866, 14 Stat. 27-30.

Civil Right Act of 1866, 14 Stat. 27

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.  
[SOURCE: <http://teachingamericanhistory.org/library/document/the-civil-rights-act-of-1866/>]

The only way one could be "not subject to any foreign power" as indicated above is to not owe ALLEGIANCE to a foreign power and to be a CONSTITUTIONAL "citizen of the United States".

8. Does NOT apply to people in unincorporated territories such as Puerto Rico, Guam, American Samoa, etc.

"The Naturalization Clause [of the Fourteenth Amendment] has a geographic limitation: it applies 'throughout the United States.' The federal courts have repeatedly construed similar and even identical language in other clauses to include states and incorporated territories, but not unincorporated territories. In Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held that the Revenue Clause's identical explicit geographic limitation, 'throughout the United States,' did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was 'not part of the United States.' Id. at 287, 21 S.Ct. 770. The Court reached this sensible result because unincorporated territories are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757-58, 128 S.Ct. 2229, 171 L.Ed.2d. 41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth Amendment's limitation of birthright citizenship to those 'born ... in the United States' did not extend citizenship to those born in the Philippines during the period when it was an unincorporated territory. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451. Every court to have construed that clause's geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920-21 (2d Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998) ; Licudine v. Winter, 603 F.Supp.2d. 129, 134 (D.D.C.2009).

Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the "United States." This limitation "prevents its extension to every place over which the government exercises its sovereignty." Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA's transition date.  
[Eche v. Holder, 694 F.3d. 1026 (2012)]

If you would like to learn more about the important differences between POLITICAL jurisdiction and LEGISLATIVE jurisdiction, please read:

Political Jurisdiction, Form #05.004  
<http://sedm.org/Forms/FormIndex.htm>



If you would like a complete explanation from eminent legal scholars at the Heritage Foundation of the phrase “subject to THE jurisdiction” in the context of the Fourteenth Amendment, see:

1. *Tucker Carlson Tonight 20181030 Birthright Citizenship Debate*, SEDM Exhibit #01.018  
<https://sedm.org/Exhibits/ExhibitIndex.htm>
2. *The Case Against Birthright Citizenship*, Heritage Foundation  
<https://youtu.be/ujqYBldkdq0>
3. *Does the Fourteenth Amendment Require Birthright Citizenship?*, Heritage Foundation  
<https://youtu.be/wZGzbVrvoy4>
4. *The Heritage Guide to the Constitution*, Citizenship, Heritage Foundation  
<https://www.heritage.org/constitution/#!/amendments/14/essays/167/citizenship>
5. *The Terrible Truth About Birthright Citizenship*, Stefan Molyneux, SEDM Exhibit #01.020  
<https://sedm.org/Exhibits/ExhibitIndex.htm>
6. *Family Guardian Forum 7.1.1: Meaning of "subject to the jurisdiction" in the Fourteenth Amendment*  
<https://famguardian.org/forums/topic/meaning-of-subject-to-the-jurisdiction-in-the-fourteenth-amendment/>

Lastly, the subject of this section is such an important and pervasive one in the freedom community that we have prepared an entire presentation on the subject matter which we highly recommend that you view, if any questions at all remain about the meaning of the phrase “subject to the jurisdiction” in the Fourteenth Amendment:

*Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015  
<https://sedm.org/Forms/FormIndex.htm>

### **3.4 “non-resident non-persons” as used in this document are neither PHYSICALLY on federal territory nor LEGALLY present within the United States government as a “person” or office<sup>17</sup>**

Throughout this document, we use the term “non-resident non-person” to describe those who are neither PHYSICALLY nor LEGALLY present in either the United States GOVERNMENT or the federal territory that it owns and controls. Hence, “non-resident non-persons” are completely outside the legislative jurisdiction of Congress and hence, cannot even be DEFINED by Congress in any statute. No matter what term we invented to describe such a status, Congress could not and would not ever even recognize the existence of such an entity or “person” or “human”, because it would not be in their best interest to do so if they want to STEAL from you. Such an entity would, in fact be a “non-customer” to their protection racket and they don’t want to even recognize the fact that you have a RIGHT not to be a customer of theirs.

Some people object to the use of this “term” by stating that the terms “non-resident” and “non-resident non-person” are not used in the Internal Revenue Code and therefore can’t be a correct usage. We respond to this objection by saying that:

1. "non-resident" is a legal word, because that is what the U.S. Supreme Court uses to describe it. If the U.S. Supreme Court can use it, then so can we since we are all equal. Notice that they also call "nonresident aliens" defined in 26 U.S.C. §7701(b)(1)(B) "non-resident aliens" so that is why WE do it too.

*"Neff was then a non-resident of Oregon."*  
[*Pennoyer v. Neff*, 95 U.S. 714, 24 L.Ed. 565 (1877)]

*"When the contract is 'produced' by a non-resident broker the 'servicing' function is normally performed by the company exclusively."*  
[*Osborn v. Ozlin*, 310 U.S. 53, 60 S.Ct. 758, 84 L.Ed. 1074 (1940) ]

*"The court below held that the act did not include a non-resident alien, and directed a verdict and judgment for the whole amount of interest."*  
[*Railroad Company v. Jackson*, 74 U.S. 262, 19 L.Ed. 88, 7 Wall. 262 (1868) ]

2. We use the term to avoid the statutory language as much as possible and to emphasize that it implies BOTH the absence of a domicile and the absence of a legal presence under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. Here is an example:
3. We wish to avoid being confused with anything in the Internal Revenue Code (I.R.C.), since the term "non-resident" is

<sup>17</sup> Source: *Non-Resident Non-Person Position*, Form #05.020, Section 7.2.1; <https://sedm.org/Forms/FormIndex.htm>.

not used there but "resident" is.

4. The Statutes At Large from which the Internal Revenue Code was written originally in 1939 also use the phrase "non-resident" rather than "nonresident", so we are therefore insisting on the historical rather than present use.
5. The Department of State has told us and our members in correspondence received by them that they don't use the term "nonresident" or "nonresident alien" either. But they DO understand the term "non-resident". Therefore, we use the term "non-resident non-person" to avoid confusing them also.

### 3.5 "resident"

The Treasury Regulations define the meaning of "resident" and "residence" as follows:

*Title 26: Internal Revenue  
PART 1—INCOME TAXES  
nonresident alien individuals  
§1.871-2 Determining residence of alien individuals.*

*(B) Residence defined.*

***An alien actually present in the United States\*\*] who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax.** Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.*

One therefore may only be a "resident" and file resident tax forms such as IRS Form 1040 if they are "present in the United States", and by "present" can mean EITHER:

1. **PHYSICALLY present**: meaning within the geographical "United States" as defined by STATUTE and as NOT commonly understood. This would be the United States\*\*, which we also call the federal zone. Furthermore:
  - 1.1. Only physical "persons" can physically be ANYWHERE.
  - 1.2. Artificial entities, legal fictions, or other "juristic persons" such as corporations and public offices are NOT physical things, and therefore cannot be physically present ANYWHERE.
2. **LEGALLY present**: meaning that:
  - 2.1. You have **CONSENSUALLY** contracted with the government as an otherwise **NONRESIDENT** party to acquire an office within the government as a public officer and a legal fiction. This can **ONLY** lawfully occur by availing oneself of 26 U.S.C. §6013(g) and (h) , which allows **NONRESIDENTS** to "elect" to be treated as **RESIDENT ALIENS**, even though not physically present in the "United States", IF and ONLY IF they are married to a **CIVIL** but not **POLITICAL** "U.S. citizen" per 26 C.F.R. §1.1-1(a) and (b), 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c). If you are married to a **POLITICAL/CONSTITUTIONAL** citizen who is NOT a **CIVIL** citizen, this option is NOT available. Consequently, most of the IRS Form 1040 returns the IRS receives are **FRAUDULENT** in this regard and a criminal offense under 26 U.S.C. §§7206 and 7207.
  - 2.2. The **OFFICE** is legally present within the "United States" as a legal fiction and a corporation. It is NOT physically present. Anyone representing said office is an extension of the "United States" as a legal person.

For all purposes other than those above, a nonresident cannot lawfully acquire any of the following "statuses" under the civil provisions of the Internal Revenue Code, Subtitles A through C because: 1. Domiciled **OUTSIDE** of the forum in a legislatively foreign state such as either a state of the Union or a foreign country; AND 2. Protected by the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.

1. "person".
2. "individual".
3. "taxpayer".
4. "resident".
5. "citizen".

For more details on the relationship between STATUTORY civil statuses such as those above and one's civil domicile, see:

*Why Domicile and Becoming a "Taxpayer" Require Your Consent*, Form #05.002, Section 11  
<http://sedm.org/Forms/FormIndex.htm>

### 3.6 Physically present

As far as being PHYSICALLY present, the "United States" is geographically defined as:

*TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]*  
*Sec. 7701. - Definitions*

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

(9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(10) State

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

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*TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES*  
*CHAPTER 4 - **THE STATES***  
*Sec. 110. Same; definitions*

(d) The term "State" includes any Territory or possession of the United States.

Anything OUTSIDE of the GEOGRAPHICAL "United States" as defined above is "foreign". Included within that legislatively "foreign" area are both the constitutional states of the Union AND foreign countries. Anyone domiciled in a legislatively "foreign" jurisdiction, REGARDLESS OF THEIR NATIONALITY, is a "nonresident" for the purposes of income taxation. Another important thing about the above definition is that:

1. It relates ONLY to the GEOGRAPHICAL CONTEXT of the word.
2. Not every use of the term "United States" implies the GEOGRAPHIC context.
3. The ONLY way to verify which context is implied in each case is if they EXPRESSLY identify whether they mean "United States\*\*\*\*" the legal person and federal corporation or "United States\*\*" federal territory in each case. All other contexts are NOT expressly invoked in the Internal Revenue Code and therefore PURPOSEFULLY EXCLUDED per the Rules of Statutory Construction and Interpretation. The DEFAULT context in the absence of expressly invoking the GEOGRAPHIC context is "United States\*\*\*\*" the legal person and NOT a geographic place. This is how they do it in the case of the phrase "sources within the United States".

### 3.7 Legally but not physically present

One can be "legally present" within a jurisdiction WITHOUT being PHYSICALLY present. For example, you can be regarded as a "resident" within the Internal Revenue Code, Subtitles A and C without ever being physically present in the only place it applies, which is federal territory not part of any state of the Union. Earlier versions of the Internal Revenue regulations demonstrate how this happens:

*26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.*

*A domestic corporation is one organized or created in the United States, including only the States (and during the periods when not States, the Territories of Alaska and Hawaii), and the District of Columbia, or under the law of the United States or of any State or Territory. A foreign corporation is one which is not domestic. A domestic corporation is a resident corporation even though it does no business and owns no property in the*

United States. A foreign corporation engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident foreign corporation, and a foreign corporation not engaged in trade or business within the United States, as a nonresident foreign corporation. A partnership engaged in trade or business within the United States is referred to in the regulations in this chapter as a resident partnership, and a partnership not engaged in trade or business within the United States, as a nonresident partnership. Whether a partnership is to be regarded as resident or nonresident is not determined by the nationality or residence of its members or by the place in which it was created or organized.

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

[SOURCE: <http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>]

The corporations and partnerships mentioned above represent the ONLY “persons” who are “taxpayers” in the Internal Revenue Code, because they are the only entities expressly mentioned in the definition of “person” found at 26 U.S.C. §6671(b) and 26 U.S.C. §7343. It is a rule of statutory construction that any thing or class of thing not EXPRESSLY appearing in a definition is purposefully excluded by implication:

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

*“The United States Supreme Court cannot supply what Congress has studiously omitted in a statute.”*

[Federal Trade Com. v. Simplicity Pattern Co., 360 U.S. 55, p. 55, 475042/56451 (1959)]

These same artificial “persons” and therefore public offices within 26 U.S.C. §§6671(b) and 7343, are also NOT mentioned in the constitution either. All constitutional “persons” or “people” are human beings, and therefore the tax imposed by the Internal Revenue Code, Subtitles A and C and even the revenue clauses within the United States Constitution itself at 1:8:1 and 1:8:3 can and do relate ONLY to human beings and not artificial “persons” or corporations:

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

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

[Annotated Fourteenth Amendment, Congressional Research Service.

SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

One is therefore ONLY regarded as a “resident” within the Internal Revenue Code if and ONLY if they are engaged in the “trade or business” activity, which is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. This mechanism for acquiring jurisdiction is documented in Federal Rule of Civil Procedure 17(b). [Federal Rule of Civil Procedure 17\(b\)](#) says that when we are representing a federal and not state corporation as “officers” or statutory “employees” per 5 U.S.C. §2105(a), the civil laws which apply are the place of formation and domicile of the corporation, which in the case of the government of “U.S. Inc.” is ONLY the District of Columbia:

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

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

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

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

- (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and
- (B) [28 U.S.C. §§ 754](#) and [959](#)(a) govern the capacity of a receiver appointed by a United States court to sue or be sued in a United States court.

[[Federal Rule of Civil Procedure 17\(b\)](#)]

Please note the following very important facts:

1. The “person” which IS physically present on federal territory in the context of Federal Rule of Civil Procedure 17(b)(2) scenario is the PUBLIC OFFICE, rather than the OFFICER who is CONSENSUALLY and LAWFULLY filling said office.
2. The PUBLIC OFFICE is the statutory “taxpayer” per 26 U.S.C. §7701(a)(14), and not the human being filling said office.
3. The OFFICE is the thing the government created and can therefore regulate and tax. They can ONLY tax and regulate that which they created.<sup>18</sup> The public office has a domicile in the District of Columbia per 4 U.S.C. §72, which is the same domicile as that of its CORPORATION parent.
4. Because the parent government corporation of the office is a STATUTORY but not CONSTITUTIONAL “U.S. citizen”, then the public office itself is ALSO a statutory citizen per 26 C.F.R. §1.1-1(c). All creations of a government have the same civil status as their creator and the creation cannot be greater than the creator:

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

5. An oath of office is the ONLY lawful method by which a specific otherwise PRIVATE person can be connected to a specific PUBLIC office.

*"It is true, that the person who accepts an office may be supposed to enter into a compact [contract] to be answerable to the government, which he serves, for any violation of his duty; and, having taken the oath of office, he would unquestionably be liable, in such case, to a prosecution for perjury in the Federal Courts. But because one man, by his own act, renders himself amenable to a particular jurisdiction, shall another man, who has not incurred a similar obligation, be implicated? If, in other words, it is sufficient to vest a jurisdiction in this court, that a Federal Officer is concerned; if it is a sufficient proof of a case arising under a law of the United States to affect other persons, that such officer is bound, by law, to discharge his duty with fidelity; a source of jurisdiction is opened, which must inevitably overflow and destroy all the barriers between the judicial authorities of the State and the general government. Anything which can prevent a Federal Officer from the punctual, as well as from an impartial, performance of his duty; an assault and battery; or the recovery of a debt, as well as the offer of a bribe, may be made a foundation of the jurisdiction of this court; and, **considering the constant disposition of power to extend the sphere of its influence, fictions will be resorted to, when real cases cease to occur. A mere fiction, that the defendant is in the custody of the marshal, has rendered the jurisdiction of the King's Bench universal in all personal actions.**"*  
[United States v. Worrall, 2 U.S. 384 (1798)]  
SOURCE: [http://scholar.google.com/scholar\\_case?case=3339893669697439168/](http://scholar.google.com/scholar_case?case=3339893669697439168/)

Absent proof on the record of such an oath in any legal proceeding, any enforcement proceeding against a “taxpayer” public officer must be dismissed. The oath of public office:

- 5.1. Makes the OFFICER into legal surety for the PUBLIC OFFICE.
- 5.2. Creates a partnership between the otherwise private officer and the government. That is the ONLY partnership within the statutory meaning of “person” found in 26 U.S.C. §7343 and 26 U.S.C. §6671(b).
6. The reason that “United States” is defined as expressly including ONLY the District of Columbia in 26 U.S.C. §7701(a)(9) and (a)(10) is because that is the ONLY place that “public officers” can lawfully serve, per 4 U.S.C. §72:

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

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

<sup>18</sup> See [Great IRS Hoax](#), Form #11.302, Section 5.1.1 entitled “The Power to Create is the Power to Tax”. SOURCE: <http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>.



7. Even within privileged federal corporations, not all workers are “officers” and therefore “public officers”. Only the officers of the corporation identified in the corporate filings, in fact, are officers and public officers. Every other worker in the corporation is EXCLUSIVELY PRIVATE and NOT a statutory “taxpayer”.
8. The authority for instituting the “trade or business” franchise tax upon public officers in the District of Columbia derives from the following U.S. Supreme Court cite:

*“Loughborough v. Blake, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, replevin, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. **It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution].** It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. 'The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives; **but that direct taxation, in its application to states, shall be apportioned to numbers.**' That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'”*  
[Downes v. Bidwell, 182 U.S. 244 (1901)]

9. Since the first four commandments of the Ten Commandments prohibit Christians from worshipping or serving other gods, then they also forbid Christians from being public officers in their private life if the government has superior or supernatural powers, immunities, or privileges above everyone else, which is the chief characteristic of any god. The word “serve” in the scripture below includes serving as a public officer. The essence of religious “worship” is, in fact, obedience to the dictates of a SUPERIOR or SUPERNATURAL being. You as a human being are the “natural” in the phrase “supernatural”, so if any government or civil ruler has any more power than you as a human being, then they are a god in the context of the following scripture.

***“You shall have no other gods [including governments or civil rulers] before Me. You shall not make for yourself a carved image—any likeness of anything that is in heaven above, or that is in the earth beneath, or that is in the water under the earth; you shall not bow down or serve them.** For I, the Lord your God, am a jealous God, visiting the iniquity of the fathers upon the children to the third and fourth generations of those who hate Me, but showing mercy to thousands, to those who love Me and keep My commandments.*  
[Exodus 20:3-6, Bible, NKVJ]

10. Any attempt to compel you to occupy or accept the obligations of a public office without your consent represents several crimes, including:
- 10.1. Theft of all the property and rights to property acquired by associating you with the status of “taxpayer”.
  - 10.2. Impersonating a public officer in violation of 18 U.S.C. §912.
  - 10.3. Involuntary servitude in violation of the Thirteenth Amendment.
  - 10.4. Identity theft, because it connects your legal identity to obligations that you don’t consent to, all of which are associated with the statutory status of “taxpayer”.
  - 10.5. Peonage, if the status of “taxpayer” is surety for public debts, in violation of 18 U.S.C. §1581. Peonage is slavery in connection with a debt, even if that debt is the PUBLIC debt.

Usually false and fraudulent information returns are the method of connecting otherwise alien and nonresident parties to the “trade or business” franchise, and thus, they are being criminally abused as the equivalent of federal election devices to fraudulently “elect” otherwise PRIVATE and nonresident parties to be liable for the obligations of a public office. 26 U.S.C. §6041(a) establishes that information returns which impute statutory “income” may ONLY lawfully be filed against this lawfully engaged in a “trade or business”. This is covered in:

### 3.8 “reside” in the Fourteenth Amendment

“reside” in the Fourteenth Amendment means DOMICILE, not mere physical presence.

*That newly arrived citizens "have two political capacities, one state and one federal," adds special force to their claim that they have the same rights as others who share their citizenship.<sup>17</sup> Neither mere rationality nor some intermediate standard of review should be used to judge the constitutionality of a state rule that discriminates against some of its citizens because they have been domiciled in the State for less than a year. The appropriate standard may be more categorical than that articulated in *Shapiro*, see *supra*, at 8 9, but it is surely no less strict.*

[...]

*A bona fide residence requirement simply requires that the person does establish residence before demanding the services that are restricted to residents." The *Martinez* Court explained that "residence" requires "both physical presence and an intention to remain [domicile]." see *id.*, at 330, and approved a Texas law that restricted eligibility for tuition-free education to families who met this minimum definition of residence, *id.*, at 332 333.*

*While the physical presence element of a bona fide residence is easy to police, the subjective intent element is not. It is simply unworkable and futile to require States to inquire into each new resident's subjective intent to remain. Hence, States employ objective criteria such as durational residence requirements to test a new resident's resolve to remain before these new citizens can enjoy certain in-state benefits. Recognizing the practical appeal of such criteria, this Court has repeatedly sanctioned the State's use of durational residence requirements before new residents receive in-state tuition rates at state universities. *Starns v. Malkerson*, 401 U.S. 985 (1971), summarily *aff'g* 326 F. Supp. 234 (Minn. 1970) (upholding 1-year residence requirement for in-state tuition); *Sturgis v. Washington*, 414 U.S. 1057, summarily *aff'g* 368 F. Supp. 38 (WD Wash. 1973) (same). The Court has declared: "The State can establish such reasonable criteria for in-state status as to make virtually certain that students who are not, in fact, bona fide residents of the State, but have come there solely for educational purposes, cannot take advantage of the in-state rates." See *Vlandis v. Kline*, 412 U.S. 441, 453 454 (1973). The Court has done the same in upholding a 1-year residence requirement for eligibility to obtain a divorce in state courts, see *Sosna v. Iowa*, 419 U.S. 393, 406 409 (1975), and in upholding political party registration restrictions that amounted to a durational residency requirement for voting in primary elections, see *Rosario v. Rockefeller*, 410 U.S. 752, 760 762 (1973). [*Saenz v. Roe*, 526 U.S. 489, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]*

*What makes a person a citizen of a state? The fourteenth amendment to the Constitution provides that: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." United States Const. amend. XIV, § 1. However, "reside" has been interpreted to mean more than to be temporarily living in the state; it means to be "domiciled" there. Thus, to be a citizen of a state within the meaning of the diversity provision, a natural person must be both*

*(1) a citizen of the United States, and*

*(2) a domiciliary of that state.*

*Federal common law, not the law of any state, determines whether a person is a citizen of a particular state for purposes of diversity jurisdiction. 1 J. Moore, *Moore's Federal Practice*, § 0.74[1] (1996); e.g., *Mas v. Perry*, 489 F.2d. 1396, 1399 (5th Cir.) cert. denied, 419 U.S. 842, 95 S.Ct. 74, 42 L.Ed.2d 70 (1974). [*Coury v. Prot*, 85 F.3d. 244 (1996)]*

The implications of the above are that:

1. The point of reference is the HUMAN and not any offices, agencies, or statuses he or she fills such as “taxpayer”, “spouse”, etc. under civil franchises. The U.S. Supreme Court held that the only “citizens” mentioned in the Constitution are HUMAN BEINGS and not artificial entities.

*"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptance only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies*

between 'citizens' of different states. This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."

[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

2. Any offices or civil statuses filled by the human being in the previous step have a domicile quite independent of the officer or agent filling them as men or women. The PUBLIC OFFICE or PUBLIC AGENCY they fill through consent should always be distinguished separately from the OFFICER filling said office or agency. This gives rise to the PUBLIC "person" and the PRIVATE person respectively.
3. Since DOMICILE is voluntary, even CONSTITUTIONAL nationality and state citizenship is voluntary.
4. It also implies that one can be BORN in a place without being a STATUTORY "citizen" there, if one does not have a domicile there. See:

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

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

### 3.9 "Domicile" and "residence" compared

Now we'll examine and compare the word "domicile" with "residence" to put it into context within our discussion:

**domicile.** A person's legal home. That place where a man has his true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. Smith v. Smith, 206 Pa.Super. 310, 213 A.2d. 94. Generally, physical presence within a state and the intention to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he intends to return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges. The established, fixed, permanent, or ordinary dwellingplace or place of residence of a person, as distinguished from his temporary and transient, though actual, place of residence. It is his legal residence, as distinguished from his temporary place of abode; or his home, as distinguished from a place to which business or pleasure may temporarily call him. See also Abode; Residence.

"Citizenship," "habitation," and "residence" are severally words which in particular cases may mean precisely the same as "domicile," while in other uses may have different meanings.

"Residence" signifies living in particular locality while "domicile" means living in that locality with intent to make it a fixed and permanent home. Schreiner v. Schreiner, Tex.Civ.App., 502 S.W.2d. 840, 843.

For purpose of federal diversity jurisdiction, "citizenship" and "domicile" are synonymous. Hendry v. Masonite Corp., C.A.Miss., 455 F.2d. 955.

[Black's Law Dictionary, Sixth Edition, p. 485]

Note the word "permanent" used in several places above. Note also that in the above definition that the taxes one pays are based on their "domicile" and "residence". Here is what it says again:

"The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges."

Below is what a famous legal publisher has to say about the term "residence" in relation to "domicile" and "citizenship":

The general rule is that a person can maintain as many residences in as many states or nations as he pleases, and can afford, but that only place can qualify as that person's "domicile". This is because the law must often have, or in any event has come to insist on, one place to point to for any of a variety of legal purposes.

A person's "domicile" is almost always a question of intent. A competent adult can, in our free society, live where she pleases, and we will take her "domicile" to be wherever she does the things that we ordinarily associate with "home": residing, working, voting, schooling, community activity, etc.

One resides in one's domicile indefinitely, that is, with no definite end planned for the stay. While we hear "permanently" mentioned, the better word is "indefinitely". This is best seen in the context of a change of domicile.

1                   In the United States, “domicile” and “residence” are the two major competitors for judicial attention, and the  
2                   words are almost invariably used to describe the relationship that the person has to the state rather than the  
3                   nation. We use “citizenship” to describe the national relationship, and we generally eschew “nationality”  
4                   (heard more frequently among European nations) as a descriptive term.  
5                   [Conflicts In A Nutshell, Second Edition; David D. Siegel, West Publishing, 1994, ISBN 0-314-02952-4, pp. 14-  
6                   15]

7       These issues are very important. To summarize the meaning of “domicile” succinctly then, one’s “domicile” is their “legal  
8       home”. One’s “domicile” is the place where we claim to have political and legal allegiance to the courts and the laws. Since  
9       allegiance must be exclusive, then we can have only one “domicile”, because no man can serve more than one master as  
10      revealed in Luke 16:13. Since the first four Commandments of the Ten Commandments say that Christians can only have  
11      allegiance to “God” and His laws in the Holy Book, then their only “domicile” is Heaven based on allegiance alone.

### 12       **3.10      Christians cannot have an earthly “domicile” or “residence”**

13      We said earlier that the word “domicile” implied a “permanent legal home”. Now for the \$64,000 question: “If you are a  
14      Christian and God says you are a citizen of heaven and not of earth, then where is your permanent domicile from a legal  
15      perspective? Where is it that you should ‘intend’ to live as a Christian?” The answer is that it is in heaven, and not anywhere  
16      on earth! Here are some reasons why:

17                   *“For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ”*  
18                   *[Philippians 3:20]*

19                   *“Now, therefore, you are no longer strangers and foreigners, but fellow citizens with the saints and members of*  
20                   *the household of God.”*  
21                   *[Ephesians 2:19, Bible, NKJV]*

22                   *“These all died in faith, not having received the promises, but having seen them afar off were assured of them,*  
23                   *embraced them and confessed that they were strangers and pilgrims on the earth.”*  
24                   *[Hebrews 11:13]*

25                   *“Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul...”*  
26                   *[1 Peter 2:11]*

27      Furthermore, if “the wages of sin is death” (see Romans 6:23) and you are guaranteed to die eventually and soon because of  
28      your sin, then can anything here on Earth be called “permanent” in the context of God’s eternal plan? Why would anyone  
29      want to “intend” to reside permanently in a place controlled mainly by Satan and which is doomed to eventual destruction?  
30      If you look in the book of Revelation, you will find that the earth will be completely transformed when Jesus returns to  
31      become a new and different earth, so can our present Earth even be called “permanent”? The answer is NO. To admit that  
32      your physical or spiritual “domicile” or your “residence” is here on earth and/or is “permanent” is to admit that there is no  
33      God and no Heaven and that life ends both spiritually and physically when you die! You are also admitting that the only  
34      thing even close to being permanent is the short life that you have while you are here. Therefore, as a Christian, you can’t  
35      have a “domicile” or a “residence” anywhere on the present Earth from a legal perspective without blaspheming God.  
36      Consequently, it also means that you can’t be subject to taxes upon your person based on having a “domicile” or “residence”  
37      in any earthly jurisdiction: state or federal. You are a child of God and you are His “bondservant” and “fiduciary” while you  
38      are here. Unless the government can tax “God”, then it can’t tax you acting as His agent and fiduciary:

39                   *“For this is the will of God, that by doing good you may put to silence the ignorance of foolish men— as free, yet*  
40                   *not using liberty as a cloak for vice, but as bondservants [public officers] of God.”*  
41                   *[1 Peter 2:15-16, Bible, NKJV]*

42      You are “just passing through”. This life is only a temporary test to see whether you will evidence by your works the saving  
43      faith you have which will allow you to gain entrance into Heaven and the new earth God will create for you to dwell in  
44      mentioned in Rev. 21:1.

45      The definition of “domicile” above establishes also that “intent” is an important means of determining domicile as follows:

46                   *“...the place to which he intends to return even though he may actually reside elsewhere”.*  
47                   *[Black’s Law Dictionary, Sixth Edition, p. 485, under “domicile”]*

So once again as a Christian, the only place you should want to inhabit or “intend” to return to is Heaven, because the present earth is a temporal place full of sin and death that is ruled exclusively by Satan. Your proper biblical and legal “intent” as a person whose exclusive allegiance is to God should therefore be to return to Heaven and to leave the present corrupted earth as soon as possible and as God in His sovereignty allows. God has prepared a mansion for you to live in with the Father, and that mansion cannot be part of the present corrupted earth:

*“In My [Jesus’] Father’s house are many mansions; if it were not so, I would have told you. I go to prepare a place for you. And if I go and prepare a place for you, I will come again and receive you to Myself; that where I am, there you may be also. And where I go you know, and the way you know.”*  
[John 14:2-4, Bible, NKJV]

So why don’t they teach these things in school? Remember who runs the public schools?: Your wonderful state government. Do you think they are going to volunteer to clue you in to the fact that you’re the sovereign in charge of the government and don’t have to put up with being their slave, which is what their legal treachery has made you into? The only kind of volunteering they want you to do is to volunteer to be subject to their corrupt laws and become a “taxpayer”, which is a person who voluntarily enlisted to become a whore for the government as you can find out in Great IRS Hoax, Form #11.302, Chapter 5. Even many of our Christian schools have lost sight of the great commission and awesome responsibility they have to teach our young people the profound truths in the Bible and this book in a way that honors and glorifies God and allows them to be the salt and light of the world.

## 4. MEANING OF “UNITED STATES”

The next thing we must grapple with is deception surrounding the multiple contexts for the term “United States”. Abusing the context of words to make people falsely believe that all contexts are the same is a favorite tactic of covetous equivocators who write the laws so as to abuse your legal ignorance to make you their SLAVE and peon.

### 4.1 Three geographical definitions of “United States”

Most of us are completely unaware that the term “United States” has several distinct and separate legal meanings and contexts and that it is up to us to know and understand these differences, to use them appropriately, and to clarify exactly which one we mean whenever we sign any government or financial form (including voter registration, tax documents, etc.). If we do not, we could unknowingly, unwillingly and involuntarily be creating false presumptions that cause us to surrender our Constitutional rights and our sovereignty. The fact is, most of us have unwittingly been doing just that for most, if not all, of our lives. Much of this misunderstanding and legal ignorance has been deliberately “manufactured” by our corrupted government in the public school system. It is a fact that our public dis-servants want docile sheep who are easy to govern, not “high maintenance” sovereigns capable of critical and independent thinking and who demand their rights. We have become so casual in our use of the term “United States” that it is no longer understood, even within the legal profession, that there are actually three different legal meanings to the term. In fact, the legal profession has contributed to this confusion over this term by removing its definitions from all legal dictionaries currently in print that we have looked at. See Great IRS Hoax, Form #11.302, Section 6.13.1 for details on this scam.

Most of us have grown up thinking the term “United States” indicates and includes all 50 states of the Union. This is true in the context of the U.S. Constitution but it is not true in all contexts. As you will see, this is the third meaning assigned to the term “United States” by the United States Supreme Court. But, usually when we (Joe six pack) use the term United States we actually think we are saying the united States, as we are generally thinking of the several states or the union of States. As you will learn in this section, the meaning of the term depends entirely on the context and when we are filling out federal forms or speaking with the federal government, this is a very costly false presumption.

First, it should be noted that the term United States is a noun. In fact, it is the proper name and title “We the people...” gave to the corporate entity (non-living thing) of the federal (central) government created by the Constitution. This in turn describes where the “United States” federal corporation referenced in 28 U.S.C. §3002(15)(A) was to be housed as the Seat of the Government - In the District of Columbia, not to exceed a ten mile square.

*Constitution  
Article I, Section 8, Clause 17*

*To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the*



United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And [underlines added]

Below is how the United States Supreme Court addressed the question of the meaning of the term “United States” (see Black’s Law Dictionary) in the famous case of *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945). The Court ruled that the term United States has three uses:

*"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the states which are united by and under the Constitution."*

[[Hooven & Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#)]

We will now break the above definition into its three contexts and show what each means.

**Table 2: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of “United States” in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	“It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations.”	International law	“United States**”	“These <u>united States</u> ,” when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where “U.S.” refers to the sovereign society. You are a “Citizen of the United States” like someone is a Citizen of France, or England. We identify this version of “United States” with a single asterisk after its name: “United States*” throughout this article.
2	“It may designate the territory over which the sovereignty of the United States extends, or”	Federal law Federal forms	“United States***”	“The United States (the District of Columbia, possessions and territories)”. Here Congress has exclusive legislative jurisdiction. In this sense, the term “United States” is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in one of the sovereign States could still be a member of the Federal area and therefore a “citizen of the United States.” This is the definition used in most “Acts of Congress” and federal statutes. We identify this version of “United States” with two asterisks after its name: “United States**” throughout this article. This definition is also synonymous with the “United States” corporation found in 28 U.S.C. §3002(15)(A).
3	“...as the collective name for the states which are united by and under the Constitution.”	Constitution of the United States	“United States****”	“The <u>several States</u> which is the <u>united States of America</u> .” Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a “ <u>Citizen of these united States</u> .” This is the definition used in the Constitution for the United States of America. We identify this version of “United States” with three asterisks after its name: “United States***” throughout this article.

The U.S. Supreme Court helped to clarify which of the three definitions above is the one used in the U.S. Constitution, when it held the following. Note they are implying the THIRD definition above and not the other two:

*"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state,' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution, . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in *Barney v. Baltimore*, 6 Wall. 280, 18 L.Ed. 825, and quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in *New Orleans v. Winter*, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.' In *Scott v. Jones*, 5 How. 343, 12 L.Ed. 181, and in *Miners' Bank v. Iowa ex rel. District Prosecuting Attorney*, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress."*

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

The U.S. Supreme Court further clarified that the Constitution implies the third definition above, which is the United States\*\*\* when they held the following. Notice that they say “not part of the United States within the meaning of the Constitution” and that the word “the” implies only ONE rather than multiple GEOGRAPHIC meanings:

*“As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, **if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution.**”*  
[O’Donoghue v. United States, [289 U.S. 516](#), 53 S.Ct. 740 (1933)]

And finally, the U.S. Supreme Court has also held that the Constitution does not and cannot determine or limit the authority of Congress over federal territory and that the ONLY portion of the Constitution that does in fact expressly refer to federal territory and therefore the statutory “United States” is Article 1, Section 8, Clause 17. Notice they ruled that Puerto Rico is NOT part of the “United States” within the meaning of the Constitution, just like they ruled in O’Donoghue above that territory was no part of the “United States”:

*In passing upon the questions involved in this and kindred cases, we ought not to overlook the fact that, **while the Constitution was intended to establish a permanent form of government for the states which should elect to take advantage of its conditions, and continue for an indefinite future, the vast possibilities of that future could never have entered the minds of its framers.** The states had but recently emerged from a war with one of the most powerful nations of Europe, were disheartened by the failure of the confederacy, and were doubtful as to the feasibility of a stronger union. Their territory was confined to a narrow strip of land on the Atlantic coast from Canada to Florida, with a somewhat indefinite claim to territory beyond the Alleghenies, where their sovereignty was disputed by tribes of hostile Indians supported, as was popularly believed, by the British, who had never formally delivered possession [182 U.S. 244, 285] under the treaty of peace. The vast territory beyond the Mississippi, which formerly had been claimed by France, since 1762 had belonged to Spain, still a powerful nation and the owner of a great part of the Western Hemisphere. **Under these circumstances it is little wonder that the question of annexing these territories was not made a subject of debate. The difficulties of bringing about a union of the states were so great, the objections to it seemed so formidable, that the whole thought of the convention centered upon surmounting these obstacles. The question of territories was dismissed with a single clause, apparently applicable only to the territories then existing, giving Congress the power to govern and dispose of them.***

*Had the acquisition of other territories been contemplated as a possibility, could it have been foreseen that, within little more than one hundred years, we were destined to acquire, not only the whole vast region between the Atlantic and Pacific Oceans, but the Russian possessions in America and distant islands in the Pacific, it is incredible that no provision should have been made for them, and the question whether the Constitution should or should not extend to them have been definitely settled. **If it be once conceded that we are at liberty to acquire foreign territory, a presumption arises that our power with respect to such territories is the same power which other nations have been accustomed to exercise with respect to territories acquired by them. If, in limiting the power which Congress was to exercise within the United States[\*\*\*], it was also intended to limit it with regard to such territories as the people of the United States[\*\*\*] should thereafter acquire, such limitations should have been expressed. Instead of that, we find the Constitution speaking only to states, except in the territorial clause, which is absolute in its terms, and suggestive of no limitations upon the power of Congress in dealing with them. The states could only delegate to Congress such powers as they themselves possessed, and as they had no power to acquire new territory they had none to delegate in that connection. The logical inference from this is that if Congress had power to acquire new territory, which is conceded, that power was not hampered by the constitutional provisions.** If, upon the other hand, we assume [182 U.S. 244, 286] that the territorial clause of the Constitution was not intended to be restricted to such territory as the United States then possessed, there is nothing in the Constitution to indicate that the power of Congress in dealing with them was intended to be restricted by any of the other provisions.*

[. . .]

*If those possessions are inhabited by alien races, differing from us in religion, customs, laws, methods of taxation, and modes of thought, the administration of government and justice, according to Anglo-Saxon principles, may for a time be impossible; and the question at once arises whether large concessions ought not to be made for a time, that ultimately our own theories may be carried out, and the blessings of a free government under the Constitution extended to them. We decline to hold that there is anything in the Constitution to forbid such action.*

**We are therefore of opinion that the island of Porto Rico is a territory appurtenant and belonging to the United States, but not a part of the United States[\*\*\*] within the revenue clauses of the Constitution;** that the Foraker act is constitutional, so far as it imposes duties upon imports from such island, and that the plaintiff cannot recover back the duties exacted in this case.  
[Downes v. Bidwell, [182 U.S. 244](#) (1901)]

## 4.2 The two political jurisdictions/nations within the United States\*

Another important distinction needs to be made. Definition 1 above refers to the country “United States\*”, but this country is not a “nation”, in the sense of international law. This very important point was made clear by the U.S. Supreme Court in 1794 in the case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793), when it said:

*This is a case of uncommon magnitude. One of the parties to it is a State; certainly respectable, claiming to be sovereign. The question to be determined is, whether this State, so respectable, and whose claim soars so high, is amenable to the jurisdiction of the Supreme Court of the United States? This question, important in itself, will depend on others, more important still; and, may, perhaps, be ultimately resolved into one, no less radical than this ‘do the people of the United States form a Nation?’*

*A cause so conspicuous and interesting, should be carefully and accurately viewed from every possible point of sight. I shall examine it; 1st. By the principles of general jurisprudence. 2nd. By the laws and practice of particular States and Kingdoms. **From the law of nations little or no illustration of this subject can be expected. By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION.** It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument.*  
[*Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]

An earlier edition of Black’s Law Dictionary further clarifies the distinction between a “nation” and a “society” by clarifying the differences between a national government and a federal government, and keep in mind that the American government is called “federal government”:

**“NATIONAL GOVERNMENT.** The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.

*“A national government is a government of the people of a single state or nation, united as a community by what is termed the ‘social compact,’ and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact.”* *Piqua Branch Bank v. Knoup*, 6 Ohio.St. 393.”  
[*Black’s Law Dictionary*, Revised Fourth Edition, 1968, p. 1176]

**“FEDERAL GOVERNMENT.** The system of government administered in a state formed by the union or confederation of several independent or quasi independent states; also the composite state so formed.

*In strict usage, there is a distinction between a confederation and a federal government. **The former term denotes a league or permanent alliance between several states, each of which is fully sovereign and independent, and each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the component states are the units, with respect to the confederation, and the central government acts upon them, not upon the individual citizens. In a federal government, on the other hand, the allied states form a union, not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of their purely local concerns, but so that the central power is erected into a true state or nation, possessing sovereignty both external and internal, while the administration of national affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all, in their collective capacity, as citizens of the nation.*** The distinction is expressed, by the German writers, by the use of the two words “Staatenbund” and “Bundesstaat;” the former denoting a league or confederation of states, and the latter a federal government, or state formed by means of a league or confederation.”  
[*Black’s Law Dictionary*, Revised Fourth Edition, 1968, p. 740]

So the “United States\*” the country is a “society” and a “sovereignty” but not a “nation” under the law of nations, by the Supreme Court’s own admission. Because the Supreme Court has ruled on this matter, it is now incumbent upon each of us to always remember it and to apply it in all of our dealings with the Federal Government. If not, we lose our individual Sovereignty by default and the Federal Government assumes jurisdiction over us. So, while a sovereign American will want to be the third type of Citizen, which is a “Citizen of the United States\*\*\*” and on occasion a “citizen of the United States\*”, he would never want to be the second, which is a “citizen of the United States\*\*\*”. A human being who is a “citizen” of the second is called a statutory “U.S.\*\* citizen” under 8 U.S.C. §1401. If he is domiciled or present on land not protected by the

constitution, he is treated in law as occupying a place not protected by the Bill of Rights, which is the first ten amendments of the United States Constitution. Below is how the U.S. Supreme Court, in a dissenting opinion, described this “other” United States, which we call the “federal zone”:

“I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism..”

[. . .]

“The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to..**

[. . .]

It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution.”  
[Downes v. Bidwell, [182 U.S. 244](#) (1901), Justice Harlan, Dissenting]

### 4.3 “United States” as a corporation and a Legal Person

The second definition of “United States\*\*” above is also a federal corporation. This corporation was formed in 1871. It is described in [28 U.S.C. §3002](#)(15)(A):

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

#### [Sec. 3002. Definitions](#)

(15) “United States” means -

(A) a Federal corporation;

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

(C) an instrumentality of the United States.

The U.S. Supreme Court, in fact, has admitted that all governments are corporations when it held:

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

If we are acting as a federal “public official” or contractor, then we are representing the “United States\*\* federal corporation”. That corporation is a statutory “U.S.\*\* citizen” under [8 U.S.C. §1101\(a\)\(22\)\(A\)](#) which is completely subject to all national but not federal law.

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



Federal Rule of Civil Procedure 17(b) says that when we are representing that corporation as “officers” or “employees”, we therefore become statutory “U.S. citizens” completely subject to federal territorial law:

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

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

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

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

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

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

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

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

[Federal Rule of Civil Procedure 17(b)]

Yet on every government (any level) document we sign (e.g. Social Security, Marriage License, Voter Registration, Driver License, BATF 4473, etc.) they either require you to be a “citizen of the United States” or they ask “are you a resident of Illinois?”. They are in effect asking you to assume or presume the second definition, the “United States\*\*”, when you fill out the form, but they don’t want to tell you this because then you would realize they are asking you to commit perjury on a government form under penalty of perjury. They in effect are asking you if you wish to act in the official capacity of a public employee or officer of the federal corporation. The form you are filling out therefore is serving the dual capacity of a federal job application and an application for “benefits”. The reason this must be so, is that they are not allowed to pay PUBLIC “benefits” to PRIVATE humans and can only lawfully pay them to public statutory “employees”, public officers, and contractors. Any other approach makes the government into a thief. See the article below for details on this scam:

*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>

If you accept the false and self-serving presumption of your public dis-servants, or you answer “Yes” to the question of whether you are a “citizen of the United States” or a “U.S. citizen” on a federal or state form, usually under penalty of perjury, then you have committed perjury under penalty of perjury and also voluntarily placed yourself under their exclusive/plenary legislative jurisdiction as a public official/”employee” and are therefore unlawfully subject to Federal & State Codes and Regulations (Statutes). The Social Security Number they ask for on the form, in fact, is prima facie evidence that you are a federal statutory employee, in fact. Look at the evidence for yourself, paying particular attention to sections 6.1, 6.2 and 6.6:

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

Most statutes passed by government are, in effect, PRIVATE law only for government. They are private law or contract law that act as the equivalent of a government employment agreement.

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

What the U.S. Supreme Court is saying above is that the government has no authority to tell you how to run your *private life*. This is contrary to the whole idea of the Internal Revenue Code, whose main purpose is to monitor and control *every aspect* of those who are subject to it. In fact, it has become the chief means for Congress to implement what we call “social engineering”. Just by the deductions they offer, people who are not engaged in a “trade or business” and thus have no income tax liability are incentivized into all kinds of crazy behaviors in pursuit of reductions in a liability that they in fact do not even have. Therefore, the only reasonable thing to conclude is that Subtitle A of the Internal Revenue Code, which would “appear”



to regulate the private conduct of all individuals in states of the Union, in fact only applies to “public officials” in the official conduct of their duties while present in the District of Columbia, which 4 U.S.C. §72 makes the “seat of government”. The Internal Revenue Code (I.R.C.) therefore essentially amounts to a part of the job responsibility and the “employment contract” of “public officials”. This was also confirmed by the House of Representatives, who said that only those who take an oath of “public office” are subject to the requirements of the personal income tax. See:

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

We the People, as the Sovereigns, cannot lawfully become the proper subject to exclusive federal jurisdiction unless and until we surrender our sovereignty by signing a government employment agreement that can take many different forms: I.R.S. Form W-4 and 1040, SSA Form SS-5, etc.

California Civil Code  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
TITLE 1. NATURE OF A CONTRACT  
CHAPTER 3. CONSENT

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

[SOURCE:  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

The I.R.S. Form W-4 is what both we and the government refer to as a federal “election” form and you are the only voter. They are asking you if you want to elect yourself into “public office”, and if you say “yes”, then you got the job and a cage is reserved for you on the federal plantation:

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

By making you into a DE FACTO “public officer” or statutory “employee”, they are intentionally destroying the separation of powers that is the main purpose of the Constitution and which was put there to protect your rights.

*“To the contrary, the Constitution divides authority between federal and state governments for the protection of individuals. State sovereignty is not just an end in itself: “Rather, federalism secures to citizens the liberties that derive from the diffusion of sovereign power.” Coleman v. Thompson, 501 U.S. 722, 759 (1991) (BLACKMUN, J., dissenting). “Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.” Gregory v. [505 U.S. 144, 182] Ashcroft, 501 U.S., at 458. See The Federalist No. 51, p. 323. (C. Rossiter ed. 1961).”*  
[New York v. United States, 505 U.S. 144 (1992)]

They are causing you to voluntarily waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. §1601-1611. 28 U.S.C. §1605(a)(2) of the Act says that those who conduct “commerce” within the legislative jurisdiction of the “United States” (federal zone), whether as a public official or federal benefit recipient, surrender their sovereign immunity.

(a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States in any case—

(2) in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial [employment or federal benefit] activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;

They are also destroying the separation of powers by fooling you into making an “election” declaring yourself to be a “U.S.\*\* citizen\*\*+D” under 26 C.F.R. §1.1-1(c). [28 U.S.C. §1603\(b\)\(3\)](#) and [28 U.S.C. §1332\(e\)](#) specifically exclude such statutory “U.S. citizens” from being foreign sovereigns who can file under statutory diversity of citizenship. This is also confirmed by the Department of State Website:

“Section 1603(b) defines an “agency or instrumentality” of a foreign state as an entity

(1) which is a separate legal person, corporate or otherwise, and

(2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and

**(3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(e) nor created under the laws of any third country.”**

[Department of State Website, [http://travel.state.gov/law/info/judicial/judicial\\_693.html](http://travel.state.gov/law/info/judicial/judicial_693.html)]

In effect, they kidnapped your legal identity and made you into a “resident alien federal employee” working in the “king’s castle”, what Mark Twain called “the District of Criminals”, and changed your status from “foreign” to “domestic” by creating false presumptions about citizenship and using the Social Security Number, IRS Form W-4, and SSA Form SS-5 to make you into a “subject citizen” and a “public employee” with no constitutional rights.

The nature of most federal law as private/contract law is carefully explained below:

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

As you will soon read, the government uses various ways to mislead and trick us into their private/contract laws (outside our Constitutional protections) and make you into the equivalent of their “employee”, and thereby commits a great fraud on the American People. It is the purpose of this document to expose the most important aspect of that willful deception, which is the citizenship trap.

#### **4.4 Why the CIVIL Geographical “United States” does not include states of the Union**

A common point of confusion is the comparison between CIVIL/STATUTORY and CONSTITUTIONAL contexts for the “United States”. Below is a question posed by a reader about this confusion:

*Your extensive citizenship materials say that the term “United States” described in 8 U.S.C. §1101(a)(38) , (a)(36) , and 8 C.F.R. §215.1(f) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all Constitutional Union states. In fact, a significant portion of what your materials say hinges on the interpretation that the term “United States” per 8 U.S.C. §1101(a)(38) includes only DC, Puerto Rico, Guam, USVI, and CNMI and excludes all Constitutional Union states. Therefore, it is important that your readers are confident that this is the correct interpretation of 8 U.S.C. §1101(a)(38). The problem that most of your readers are going to have is that the text for 8 U.S.C. §1101(a)(38) say the “United States” means continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.*

*Please explain to me how the term “United States” described in 8 U.S.C. §1101(a)(38), (a)(36) , and 8 C.F.R. §215.1(f) can exclude all Constitution Union states when 8 U.S.C. §1101(a)(38) explicitly lists list Alaska and Hawaii as part of “United States”. Alaska and Hawaii were the last two Constitutional states to join the Union and they became Constitutional Union states on August 21, 1959 and January 3, 1959 respectfully. The only possible explanation that I can think of is that the Statutes At Large that 8 U.S.C. §1101(a)(38) is a codification of never got updated after Alaska and Hawaii joined the Union. Do you agree? How can one provide legal proof of this? This proof needs to go into your materials since this is such a key and pivotal issue to understanding your*

correct political and civil status. It appears that the wording used in 8 U.S.C. §1101(a)(38) is designed to obfuscate and confuse most people into thinking that it is describing United States\* when in fact it is describing only a portion of United States\*\*. If this section of code is out of date, why has Congress never updated it to remove Alaska and Hawaii from the definition of "United States" ?

The definitions that lead to this question are as follows:

8 U.S.C. §1101

(a) As used in this chapter—

(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

8 U.S.C. §1101 Definitions

(a) As used in this chapter—

(36) State [naturalization]

The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[\*\*].

8 C.F.R. §215.1(f)

The term continental United States means the District of Columbia and the several States, except Alaska and Hawaii.

In response to this question, we offer the following explanation:

1. The U.S. Supreme Court has held that a "national and citizen of the United States at birth" in 8 U.S.C. §1401 and in OTHER than 8 U.S.C. §1401(a) does NOT include state citizens under the Fourteenth Amendment. See Rogers v. Bellei, 401 U.S. 815 (1971). Hence, the "United States" they are referring to in 8 U.S.C. §1401 CANNOT include constitutional states of the Union.
2. 40 U.S.C. §§3111 and 3112 say that federal jurisdiction does not exist within a state except on land ceded to the national government. Hence, no matter what the geographical definitions are, they do not include anything other than federal territory.
3. It is a legal impossibility to have more than one domicile and if you are domiciled in a state of the Union, then you are domiciled OUTSIDE of federal territory and federal civil jurisdiction. See:  

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
4. All CIVIL statutory terms are limited to territory over which Congress has EXCLUSIVE GENERAL (RATHER than subject matter) jurisdiction. All of the statuses indicted in the statutes (including those in 8 U.S.C. §§1401 and 1408) are POLITICAL statuses that confer no CIVIL jurisdiction. One cannot have a CIVIL status in a place that they are not civilly domiciled, and especially a status that they do NOT consent to and to which rights and obligations attach. Otherwise, the Declaration of Independence is violated because they are subjected to obligations that they didn't consent to and are a slave. This is proven in:  

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>
5. As the U.S. Supreme Court held, all law is prima facie territorial and confined to the territory of the specific state. The states of the Union are NOT "territory" as legally defined.

Volume 86, Corpus Juris Secundum Legal Encyclopedia  
Territories  
§1. Definitions, Nature, and Distinctions

*The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States[\*\*\*], and does not necessarily include all the territorial possessions of the United States[\*\*], but may include only the portions thereof which are organized and exercise governmental functions under act of congress."*

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

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

*As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states.  
[86 Corpus Juris Secundum (C.J.S.), Territories (2003)]*

Therefore, all of the POLITICAL statuses found in Title 8 of the U.S. Code do not extend into or relate to anyone civilly domiciled in a constitutional state, regardless of what the definition of "United States" is and whether it is GEOGRAPHICAL or GOVERNMENT sense.

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

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

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

6. The U.S. Supreme Court has held that Congress enjoys no legislative jurisdiction within a constitutional state. Hence, those in constitutional states can have no civil "status" under the laws of Congress. There are a few RARE exceptions to this, and all of them relate to CONSTITUTIONAL remedies. For instance 42 U.S.C. §1983 implements provisions of the Fourteenth Amendment, so "person" in that statute can also include state nationals. See Litigation Tool #08.008 for details on this exception.

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

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

7. The U.S. Supreme Court has held that Congress can only tax or regulate that which it creates. Since it didn't create humans, then all civil statuses under Title 8 MUST be artificial PUBLIC offices.

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

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

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

- 15 8. In the Internal Revenue Code, the term "United States" is invoke primarily in its CIVIL and GEOGRAPHICAL sense  
16 while within Title 8 of the U.S. Code it is defined in its POLITICAL sense. The OTHER sense is the GOVERNMENT  
17 as a legal person.
- 18 9. There is no way provided in statutes to distinguish the GEOGRAPHICAL use and the GOVERNMENT use in all the  
19 cases we have identified. This leaves the reader guessing and also gives judges unwarranted and unconstitutional  
20 discretion to apply either context. This confusion is deliberate to facilitate equivocation and mask and protect the  
21 massive criminal identity theft ongoing every day in federal courtrooms across the country. See:

Government Identity Theft, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

- 22 10. The Great IRS Hoax, Form #11.302, Section 5.2.12 talks about the meaning and history of United States in the Internal  
23 Revenue Code. It proves that "United States" includes only the federal zone and not the Constitutional states or land  
24 under the exclusive jurisdiction of said states.

Great IRS Hoax, Form #11.302, Section 5.2.12  
<http://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>

- 25 11. The POLITICAL term "United States" as used in 8 U.S.C. §1401 within "national and citizen of the United States\*\* at  
26 birth" does not expressly invoke the GEOGRAPHIC sense and hence, must be presumed to be the exterior boundaries  
27 of the body politic connected with it.
- 28 12. Members of the legal profession have tried to argue with the above by saying that Congress DOES have SUBJECT  
29 MATTER jurisdiction within states of the Union as listed in Article 1, Section 8 of the Constitution. However:  
30 12.1. The geographical definition of "United States" found in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d)  
31 EXCLUDES states of the Union in the case of those who do not make the "U.S. person" election under 26 U.S.C.  
32 §7701(a)(30).

33 "*Expressio unius est exclusio alterius*. A maxim of statutory interpretation meaning that **the expression of one**  
34 **thing is the exclusion of another**. *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*,  
35 170 Okl. 487, 40 P.2d. 1097, 1100. Mention of one thing implies exclusion of another. **When certain persons or**  
36 **things are specified in a law, contract, or will, an intention to exclude all others from its operation may be**  
37 **inferred**. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects  
38 of a certain provision, other exceptions or effects are excluded."  
39 [Black's Law Dictionary, Sixth Edition, p. 581]

40 "**When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's**  
41 **ordinary meaning**. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
42 of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a  
43 rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated'"); *Western*  
44 *Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96  
45 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152,  
46 and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S.  
47 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
48 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
49 [Stenberg v. Carhart, 530 U.S. 914 (2000)]

- 50 12.2. The U.S. Supreme Court has never identified income taxation under 26 U.S.C. Subtitles A and C as an Article 1,  
51 Section 8 power related to subject matter jurisdiction. We have also NEVER found any evidence that it is a  
52 constitutional power other than the Sixteenth Amendment.



12.3. The Sixteenth Amendment did not grant Congress ANY new taxing power that it didn't already have over any new subject or person:

"..by the previous ruling it was settled that the provisions of the Sixteenth Amendment conferred no new power of taxation but simply prohibited the previous complete and plenary power of income taxation possessed by Congress from the beginning from being taken out of the category of indirect taxation to which it inherently belonged and being placed in the category of direct taxation subject to apportionment by a consideration of the sources from which the income was derived, that is by testing the tax not by what it was -- a tax on income, but by a mistaken theory deduced from the origin or source of the income taxed. "

[Stanton v. Baltic Mining Co., 240 U.S. 103 (1916)]

The whole point of Title 26 is to confuse POLITICAL citizens\* with CIVIL citizens\*\*+D and to thereby usurp jurisdiction over them and commit criminal identity theft. The tools for usurping that jurisdiction are described in:

Federal Jurisdiction, Form #05.018  
<http://sedm.org/Forms/FormIndex.htm>

A citizen of the District of Columbia and state citizens are certainly within the meaning of 8 U.S.C. §1401. All you do by trying to confuse these two groups is engage in the Stockholm Syndrome and facilitate identity theft of otherwise sovereign state nationals by thieves in the District of Criminals. The U.S. Supreme Court held that these two types of citizens are NOT the same.

"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens. Whether this proposition was sound or not had never been judicially decided."

[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen]. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*,' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others. [ . . . ]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[ . . . ]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident

that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.  
[Rogers v. Bellei, 401 U.S. 815 (1971)]

In summary, all of the above items cannot simultaneously be true and at the same time, the geographical "United States" including states of the Union within any act of Congress. The truth cannot conflict with itself or it is a LIE. Any attempt to rebut the evidence and resulting conclusions of fact and law within this section must therefore deal with ALL of the issues addressed and not cherry pick the ones that are easy to explain.

For further supporting evidence about the subject of this section, see:

Tax Deposition Questions, Form #03.016, Section 14: Citizenship  
<http://sedm.org/Forms/FormIndex-SinglePg.htm>

#### **4.5 Why the CONSTITUTIONAL Geographical "United States" does NOT include federal territory**

The case of Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998) very clearly determines that the CONSTITUTIONAL "United States", when used in a GEOGRAPHICAL context, means states of the Union and EXCLUDES federal territories. Below is the text of that holding:

The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship Clause of the Fourteenth Amendment. U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was "born ... in the United States" and is therefore a United States citizen.<sup>19</sup>

Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. I.N.S., 35 F.3d. 1449, 1452 (9th Cir.1994) ("No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment."), cert. denied sub nom. Sanidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, the Ninth Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in the United States' under the Citizenship Clause of the Fourteenth Amendment, and thus does not give rise to United States citizenship." Rabang, 35 F.3d. at 1452. We agree.<sup>20</sup>

Despite the novelty of petitioner's argument, the Supreme Court in the Insular Cases<sup>21</sup> provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment. The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("It can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."); Rabang, 35 F.3d. at 1452. Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." Downes, 182 U.S. at 287, 21 S.Ct. at 787.

<sup>19</sup> Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. § 1105a(a)(5).

<sup>20</sup> For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. Dorr v. United States, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d. at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing Downes v. Bidwell, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. United States v. Verdugo-Urquidez, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056, 1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[ ]").

<sup>21</sup> De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

The Court's conclusion in *Downes* was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend. XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are not part of the Union" to which the Thirteenth Amendment would apply. *Downes*, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States'] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union. *Downes*, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also *id.* at 263, 21 S.Ct. at 777 ("[I]n dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.").<sup>22</sup>

Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its status as a United States territory, was not a part of the United States. See *Hooven & Allison Co. v. Evatt*, 324 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("As we have seen, [the Philippines] are not a part of the United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as do the states which are united by and under it."); see *id.* at 673-74, 65 S.Ct. at 881 (Philippines "are territories belonging to, but not a part of, the Union of states under the Constitution," and therefore imports "brought from the Philippines into the United States ... are brought from territory, which is not a part of the United States, into the territory of the United States.").

Accordingly, the Supreme Court has observed, without deciding, that persons born in the Philippines prior to its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States. See *Barber v. Gonzales*, 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the Philippines during the territorial period were "nationals" of the United States, they were not "United States citizens"); *Rabang v. Boyd*, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("The inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of the United States, do not possess right of free entry into the United States." (emphasis added) (citation and internal quotation marks omitted)).

Petitioner, notwithstanding this line of Supreme Court authority since the *Insular Cases*, argues that the Fourteenth Amendment codified English common law principles that birth within the territory or dominion of a sovereign confers citizenship. Because the United States exercised complete sovereignty over the Philippines during its territorial period, petitioner asserts that she is therefore a citizen by virtue of her birth within the territory and dominion of the United States. Petitioner argues that the term "the United States" in the Fourteenth Amendment should be interpreted to mean "within the dominion or territory of the United States." *Rabang*, 35 F.3d. at 1459 (Pregerson, J., dissenting); see *United States v. Wong Kim Ark*, 169 U.S. 649, 693, 18 S.Ct. 456, 473-74, 42 L.Ed. 890 (1898) (relying on the English common law and holding that the Fourteenth Amendment "affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country" (emphasis added)); *Inglis v. Sailors' Snug Harbour*, 28 U.S. (3 Pet.) 99, 155, 7 L.Ed. 617 (1830) (Story, J., concurring and dissenting) (citizenship is conferred by "birth locally within the dominions of the sovereign; and ... birth within the protection and obedience ... of the sovereign").

We decline petitioner's invitation to construe *Wong Kim Ark* and *Inglis* so expansively. Neither case is reliable authority for the citizenship principle petitioner would have us adopt. The issue in *Wong Kim Ark* was whether a child born to alien parents in the United States was a citizen under the Fourteenth Amendment. That the child was born in San Francisco was undisputed and "it [was therefore] unnecessary to define 'territory' rigorously or decide whether 'territory' in its broader sense (i.e. outlying land subject to the jurisdiction of this country) meant 'in the United States' under the Citizenship Clause." *Rabang*, 35 F.3d. at 1454.<sup>23</sup> Similarly, in *Inglis*, a pre-Fourteenth Amendment decision, the Court considered whether a person, born in the colonies prior to the Declaration of Independence, whose parents remained loyal to England and left the colonies after independence, was a United States citizen for the purpose of inheriting property in the United States. Because the person's birth within the colonies was undisputed, it was unnecessary in that case to consider the territorial scope of common law citizenship.

The question of the Fourteenth Amendment's territorial scope was not before the Court in *Wong Kim Ark* or *Inglis* and we will not construe the Court's statements in either case as establishing the citizenship principle that a person born in the outlying territories of the United States is a United States citizen under the Fourteenth Amendment. See *Rabang*, 35 F.3d. at 1454. "[G]eneral expressions, in every opinion, are to be taken in

<sup>22</sup> Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See *Downes*, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

<sup>23</sup> This point is well illustrated by the Court's ambiguous pronouncements on the territorial scope of common law citizenship. See *Rabang*, 35 F.3d. at 1454; compare *Wong Kim Ark*, 169 U.S. at 658, 18 S.Ct. at 460 (under the English common law, "every child born in England of alien parents was a natural-born subject" (emphasis added)), and *id.* at 661, 18 S.Ct. at 462 ("Persons who are born in a country are generally deemed citizens and subjects of that country." (citation and internal quotation marks omitted; emphasis added)), with *id.* at 667, 18 S.Ct. at 464 (citizenship is conferred by "birth within the dominion").

connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision." *Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 399, 5 L.Ed. 257 (1821) (Marshall, C.J.).

**In sum, persons born in the Philippines during its status as a United States territory were not "born ... in the United States" under the Fourteenth Amendment.** *Rabang*, 35 F.3d. at 1453 (Fourteenth Amendment has an "express territorial limitation which prevents its extension to every place over which the government exercises its sovereignty."). Petitioner is therefore not a United States citizen by virtue of her birth in the Philippines during its territorial period.

Petitioner makes several additional arguments that we address and dispose of quickly. First, contrary to petitioner's argument, **Congress' classification of the inhabitants of the Philippines as "nationals" during the Philippines' territorial period did not violate the Thirteenth Amendment.** The Thirteenth Amendment "proscribe[s] conditions of 'enforced compulsory service of one to another.'" *Jobson v. Henne*, 355 F.2d. 129, 131 (2d Cir.1966) (quoting *Hodges v. United States*, 203 U.S. 1, 16, 27 S.Ct. 6, 8, 51 L.Ed. 65 (1906)).

**Furthermore, contrary to petitioner's argument, Congress had the authority to classify her as a "national" and then reclassify her as an alien to whom the United States immigration laws would apply. Congress' authority to determine petitioner's political and immigration status was derived from three sources. Under the Constitution, Congress has authority to "make all needful Rules and Regulations respecting the Territory ... belonging to the United States," see U.S. Const. art. IV, §3, cl. 2, and "[t]o establish an uniform Rule of Naturalization," id. art. I, § 8, cl.4. The Treaty of Paris provided that "the civil rights and political status of the native inhabitants ... shall be determined by Congress." Treaty of Paris, supra, art. IX, 30 Stat. at 1759. This authority was confirmed in Downes where the Supreme Court stated that the "power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be."** *Downes*, 182 U.S. at 279, 21 S.Ct. at 784; see *Rabang v. Boyd*, 353 U.S. 427, 432, 77 S.Ct. 985, 988, 1 L.Ed.2d. 956 (1957) (rejecting argument that Congress did not have authority to alter the immigration status of persons born in the Philippines).

**Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act was not tantamount to a "collective denaturalization" as petitioner contends. See Afroyim v. Rusk**, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (holding that Congress has no authority to revoke United States citizenship). **Philippine "nationals" of the United States were not naturalized United States citizens. See Manlangit v. INS**, 488 F.2d. 1073, 1074 (4th Cir.1973) (holding that Afroyim addressed the rights of a naturalized American citizen and therefore does not stand as a bar to Congress' authority to revoke the non-citizen, "national" status of the Philippine inhabitants). [Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

## **4.6 Meaning of "United States" in various contexts within the U.S. Code**

### **4.6.1 Tabular summary**

Next, we must conclusively determine which "United States" is implicated in various key sections of the U.S. Code and supporting regulations. Below is a tabular list that describes its meaning in various contexts, the reason why we believe that meaning applies, and the authorities that prove it.

1 **Table 3: Meaning of "United States" in various contexts**

#	Code section	Term	Meaning	Authorities	Reason
1	8 U.S.C. §1101(a)(38)	Geographical "United States" defined	United States**	8 U.S.C. §1101(a)(36) defines "State" to EXCLUDE constitutional states.	
2	8 U.S.C. §1101(a)(38)	"continental United States"	United States**		
3	8 U.S.C. §1101(a)(22)	"national of the United States" defined	United States**		Allegiance is not territorial, but political.
4	8 U.S.C. §1101(a)(22)(A)	"citizen of the United States" referenced	United States**		Uses the same phrase as 8 U.S.C. §1421 and therefore must be the same.
5	8 U.S.C. §1101(a)(22)(B)	"a person who, though not a citizen of the United States, owes permanent allegiance to the United States"	United States**	Marquez-Almanzar v. INS, 418 F.3d. 210 (2005) Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975)	Allegiance is not territorial, but political.
6	8 U.S.C. §1401	"national and citizen of the United States at birth" defined	United States**	Rogers v. Bellei, 401 U.S. 815 (1971)	"citizen" in this section is a revocable privilege. Rights cannot be revoked but privileges can.
7	8 U.S.C. §1408	"non-citizen national of the United States at birth" defined	United States**	Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)	
8	8 U.S.C. §1421	"citizens of the United States" referenced	United States***	Eche v. Holder, 694 F.3d. 1026 (2012)	Naturalization is available ONLY in states of the Union or the "United States". Not available in unincorporated territories. Territorial citizens have to travel to constitutional states to be naturalized and become state nationals.
9	8 U.S.C. §1452(a)	"United States citizenship"	United States**	Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982 Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683	
10	8 U.S.C. §1452(b)	"non-citizen national" referenced	United States**	Black's Law Dictionary, Sixth Edition, p. 517 ("ejusdem generis") Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696	
11	8 C.F.R. §215.1(e)	"United States" defined for "aliens" ONLY	United States*		Section refers to departing aliens, which Congress has jurisdiction over throughout the country. U.S. Const. Art. 1, Section 8, Clause 4
12	Fourteenth Amendment	"citizen of the United States"	United States***	Downes v. Bidwell, 182 U.S. 244 (1901) O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)	Geographical "United States" in the contexts means states of the Union and excludes federal territory. See <i>Why the Fourteenth Amendment is Not a Threat to Your Freedom</i> , Form #08.015
13	26 C.F.R. §1.1-1(c)	"citizen"	United States**	8 U.S.C. §1401	26 C.F.R. §1.1-1(c) says "subject to IT'S jurisdiction" rather than "subject to THE jurisdiction". It also references 8 U.S.C. §1401.
14	26 U.S.C. §7701(a)(30)	"citizen" in the context of Title 26	United States**	26 C.F.R. §1.1-1(c) 26 U.S.C. §7701(a)(9) and (a)(10)	"United States" for the purposes of 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d) do not include constitutional states. Therefore this citizen is domiciled on federal territory not within a constitutional state.

2



## 4.6.2 Supporting evidence

Below is a list of the content of some of the above authorities showing the meaning of each status:

1. Geographical “United States\*\*”, 8 U.S.C. §1101(a)(38).

[8 U.S.C. §1101 Definitions](#)

(a) As used in this chapter—

(36) State [naturalization]

The term “State” includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[\*\*].

2. “continental United States\*\*”, 8 U.S.C. §1101(a)(38).

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. \[Aliens and Nationality\]](#)  
[Sec. 1101. - Definitions](#)

(a) As used in this chapter—

(38) The term “United States”, except as otherwise specifically herein provided, when used in a geographical sense, means the [continental United States](#), Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

3. “citizen of the United States\*\*”, 8 U.S.C. §1101(a)(22)(A).

**“Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the “United States[\*\*\*]” This limitation “prevents its extension to every place over which the government exercises its sovereignty.”** Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA’s transition date.

The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements.” [Eche v. Holder, 694 F.3d. 1026]

4. “a person who, though not a citizen of the United States\*\*, owes permanent allegiance to the United States\*\*”, 8 U.S.C. §1101(a)(22)(B).

We have previously indicated that Marquez-Almanzar’s construction of § 1101(a)(22)(B ) is erroneous, but have not addressed the issue at length. In Oliver v. INS, 517 F.2d. 426, 427 (2d Cir.1975) (per curiam), the petitioner, as a defense to deportation, argued that she qualified as a U.S. [\*\*] national under § 1101(a)(22) (B ) because she had resided exclusively in the United States for twenty years, and thus “owe[d] allegiance” to the United States[\*\*]. Without extensively analyzing the statute, we found that the petitioner could not be “a ‘national’ as that term is understood in our law.” Id. We pointed out that the petitioner still owed allegiance to Canada (her country of birth and citizenship) because she had not taken the U.S. naturalization oath, to “renounce and abjure absolutely and entirely all allegiance and fidelity to any [foreign state of] ... which the petitioner was before a subject or citizen.” Id. at 428 (quoting INA §337(a)(2), 8 U.S.C. §1448(a)(2)). In making this observation, we did not suggest that the petitioner in Oliver could have qualified as a U.S. [\*\*] national by affirmatively renouncing her allegiance to Canada or otherwise swearing “permanent allegiance” to the United States. In fact, in the following sentence we said that Title III, Chapter 1 of the INA “indicates that, **with a few exceptions not here pertinent, one can satisfy [8 U.S.C. §1101(a)(22)(B)] only at birth; thereafter the road lies through naturalization**, which leads to becoming a citizen and not merely a ‘national.’” Id. at 428.

Our conclusion in Oliver, which we now reaffirm, is consistent with the clear meaning of 8 U.S.C. §1101(a)(22)(B), read in the context of the general statutory scheme. The provision is a subsection of 8 U.S.C. §1101(a). **Section 1101(a) defines various terms as they are used in our immigration and nationality laws, U.S.Code tit. 8, ch. 12, codified at 8 U.S.C. §§1101-1537. The subsection’s placement indicates that it was designed to describe the attributes of a person who has already been deemed a non-citizen national elsewhere in Chapter 12 of**

the U.S.Code, rather than to establish a means by which one may obtain that status. For example, 8 U.S.C. §1408, the only statute in Chapter 12 expressly conferring "non-citizen national" status on anyone, describes four categories of persons who are "nationals, but not citizens, of the United States<sup>[\*\*]</sup> at birth." All of these categories concern persons who were either born in an "outlying possession" of the United States<sup>[\*\*]</sup>, see 8 U.S.C. §1408(1), or "found" in an "outlying possession" at a young age, see id. § 1408(3), or who are the children of non-citizen nationals, see id. §§ 1408(2) & (4).<sup>11</sup> Thus, § 1408 establishes a category of persons who qualify as non-citizen nationals; those who qualify, in turn, are described by § 1101(a)(22)(B) as owing "permanent allegiance" to the United States<sup>[\*]</sup>. In this context the term "permanent allegiance" merely describes the nature of the relationship between non-citizen nationals and the United States, a relationship that has already been created by another statutory provision. See *Barber v. Gonzales*, 347 U.S. 637, 639, 74 S.Ct. 822, 98 L.Ed. 1009 (1954) ("It is conceded that respondent was born a national of the United States; that as such he owed permanent allegiance to the United States...."); cf. *Philippines Independence Act of 1934*, § 2(a)(1), Pub.L. No. 73-127, 48 Stat. 456 (requiring the Philippines to establish a constitution providing that "pending the final and complete withdrawal of the sovereignty of the United States[,] ... [a]ll citizens of the Philippine Islands shall owe allegiance to the United States").

Other parts of Chapter 12 indicate, as well, that §1101(a)(22)(B) describes, rather than confers, U.S. [\*] nationality. The provision immediately following § 1101(a)(22) defines "naturalization" as "the conferring of nationality of a state upon a person after birth, by any means whatsoever." 8 U.S.C. §1101(a)(23). If *Marquez-Almanzar* were correct, therefore, one would expect to find "naturalization by a demonstration of permanent allegiance" in that part of the U.S.Code entitled "Nationality Through Naturalization," see INA tit. 8, ch. 12, subch. III, pt. II, codified at 8 U.S.C. §§1421-58. Yet nowhere in this elaborate set of naturalization requirements (which contemplate the filing by the petitioner, and adjudication by the Attorney General, of an application for naturalization, see, e.g., 8 U.S.C. §§1427, 1429), did Congress even remotely indicate that a demonstration of "permanent allegiance" alone would allow, much less require, the Attorney General to confer U.S. national status on an individual.

Finally, the interpretation of the statute underlying our decision in *Oliver* comports with the historical meaning of the term "national" as it is used in Chapter 12. The term (which as §§ 1101(a)(22)(B) American War, namely the Philippines, Guam, and Puerto Rico in the early twentieth century, who were not granted U.S. [\*\*\*] citizenship, yet were deemed to owe "permanent allegiance" to the United States<sup>[\*\*\*]</sup> and recognized as members of the national community in a way that distinguished them from aliens. See 7 Charles Gordon et al., *Immigration Law and Procedure*, §91.01[3] (2005); see also *Rabang v. Boyd*, 353 U.S. 427, 429-30, 77 S.Ct. 985, 1 L.Ed.2d. 956 (1957) ("The Filipinos, as nationals, owed an obligation of permanent allegiance to this country. . . . In the [Philippine Independence Act of 1934], the Congress granted full and complete independence to [the Philippines], and necessarily severed the obligation of permanent allegiance owed by Filipinos who were nationals of the United States."). The term "non-citizen national" developed within a specific historical context and denotes a particular legal status. The phrase "owes permanent allegiance" in §1101(a)(22)(B) is thus a term of art that denotes a legal status for which individuals have never been able to qualify by demonstrating permanent allegiance, as that phrase is colloquially understood.<sup>12</sup> [*Marquez-Almanzar v. INS*, 418 F.3d. 210 (2005)]

5. "national and citizen of the United States<sup>\*\*</sup> at birth", 8 U.S.C. §1401. See section 5.1 earlier.

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to *Bellei*. The Court first notes that *Afroyim* was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States<sup>[\*\*\*]</sup> are citizens of the United States<sup>[\*\*\*]</sup>,' the Court reasons that the protections against involuntary expatriation declared in *Afroyim* do not protect all American citizens, but only those 'born or naturalized in the United States.' *Afroyim*, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but *Bellei*, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States<sup>[\*\*\*]</sup> and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in *Afroyim*. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.

While conceding that *Bellei* is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.

[...]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'

The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute. [Rogers v. Bellei, 401 U.S. 815 (1971)]

6. "non-citizen national of the United States\*\* at birth", 8 U.S.C. §1408.

Having jurisdiction, the Court turns to defendants' motion to dismiss under Rule 12(b) (6) for failure to state a claim. Plaintiffs' claims all hinge upon one legal assertion:

the Citizenship Clause guarantees the citizenship of people born in American Samoa. Defendants argue that this assertion must be rejected in light of the Constitution's plain language, rulings from the Supreme Court and other federal courts, longstanding historical practice, and pragmatic considerations. See generally Defs.' Mem.; Gov't's Reply in Supp. of Their Mot. to Dismiss ("Defs.' Reply") [Dkt. # 20]; Amicus Br. Unfortunately for the plaintiffs, I agree. The Citizenship Clause does not guarantee birthright citizenship to American Samoans. As such, for the following reasons, I must dismiss the remainder of plaintiffs' claims.

The Citizenship Clause of the Fourteenth Amendment provides that "[a]ll persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States\*\*\*] and of the State wherein they reside." U.S. Const. amend. XIV, section 1. Both parties seem to agree that American Samoa is "subject to the jurisdiction" of the United States, and other courts have concluded as much. See Pls.' Opp'n at 2; Defs.' Mem. at 14 (citing Rabang as noting that the territories are "subject to the jurisdiction" of the United States). But to be covered by the Citizenship Clause, a person must be born or naturalized "in the United States and subject to the jurisdiction thereof." Thus, the key question becomes whether American Samoa qualifies as a part of the "United States" as that is used within the Citizenship Clause.<sup>8</sup>

The Supreme Court famously addressed the extent to which the Constitution applies in territories in a series of cases known as the Insular Cases.<sup>9</sup> In these cases, the Supreme Court contrasted "incorporated" territories those lands expressly made part of the United States by an act of Congress with "unincorporated territories" that had not yet become part of the United States and were not on a path toward statehood. See, e.g., Downes, 182 U.S. at 312; *Dorr v. United States*, 195 U.S. 138, 143 (1904); see also *United States v. Verdugo-Urquidez*, 494 U.S. 259, 268 (1990); *Eche v. Holder*, 694 F.3d. 1026, 1031 (9th Cir. 2012) (citing *Boumediene v. Bush*, 553 U.S. 723, 757-58 (2008)).<sup>10</sup> In an unincorporated territory, the Insular Cases held that only certain "fundamental" constitutional rights are extended to its inhabitants. *Dorr*, 195 U.S. 148-49; *Balzac v. Porto Rico*, 258 U.S. 298, 312 (1922); see also *Verdugo-Urquidez*, 494 U.S. at 268. While none of the Insular Cases directly addressed the Citizenship Clause, they suggested that citizenship was not a "fundamental" right that applied to unincorporated territories.<sup>11</sup>

For example, in the Insular Case of *Downes v. Bidwell*, the Court addressed, via multiple opinions, whether the Revenue Clause of the Constitution applied in the unincorporated territory of Puerto Rico. In an opinion for the majority, Justice Brown intimated in dicta that citizenship was not guaranteed to unincorporated territories. See *Downes*, 182 U.S. at 282 (suggesting that citizenship and suffrage are not "natural rights enforced in the Constitution" but rather rights that are "unnecessary to the proper protection of individuals."). He added that "it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions, and modes of life, shall become at once citizens of the United States." *Id.* at 279-80. He also contrasted the Citizenship Clause with the language of the Thirteenth Amendment, which prohibits slavery "within the United States\*\*\*], or in any place subject to their jurisdiction." *Id.* at 251 (emphasis added). He stated:

[T]he 14th Amendment, upon the subject of citizenship, declares only that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside." Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place "subject to their jurisdiction."

1 *Id.* (emphasis added). In a concurrence, Justice White echoed this sentiment, arguing that the practice of  
2 acquiring territories "could not be practically exercised if the result would be to endow the inhabitants with  
3 citizenship of the United States." *Id.* at 306.

4 Plaintiffs rightly note that Downes did not possess a singular majority opinion and addressed the right to  
5 citizenship only in dicta. Pls.' Opp'n at 25-27. But in the century since Downes and the Insular Cases were  
6 decided, no federal court has recognized birthright citizenship as a guarantee in unincorporated territories. To  
7 the contrary, the Supreme Court has continued to suggest that citizenship is not guaranteed to people born in  
8 unincorporated territories. For example, in a case addressing the legal status of an individual born in the  
9 Philippines while it was a territory, the Court noted without objection or concern that "persons born in the  
10 Philippines during [its territorial period] were American nationals" and "until 1946, [could not] become  
11 United States citizens. Barber v. Gonzales, 347 U.S. 637, 639 n.1 (1954). Again, in Miller v. Albright, 523 U.S.  
12 420, 467 n.2 (1998), Justice Ginsberg noted in her dissent that "the only remaining noncitizen nationals are  
13 residents of American Samoa and Swains Island" and failed to note anything objectionable about their  
14 noncitizen national status. More recently, in Boumediene v. Bush, the Court reexamined the Insular Cases in  
15 holding that the Constitution's Suspension Clause applies in Guantanamo Bay, Cuba. 553 U.S. 723, 757-59  
16 (2008). The Court noted that the Insular Cases "devised . . . a doctrine that allowed [the Court] to use its power  
17 sparingly and where it would most be needed. This century-old doctrine informs our analysis in the present  
18 matter." *Id.* at 759.

19 [. . .]

20 Indeed, other federal courts have adhered to the precedents of the Insular Cases in similar cases involving  
21 unincorporated territories. For example, the Second, Third, Fifth, and Ninth Circuits have held that the term  
22 "United States" in the Citizenship Clause did not include the Philippines during its time as an unincorporated  
23 territory. See generally Nolos v. Holder, 611 F.3d. 279 (5th Cir. 2010); Valmonte v. I.N.S., 136 F.3d. 914 (2d  
24 Cir. 1998); Lacap v. I.N.S., 138 F.3d. 518 (3d Cir. 1998); Rabang, 35 F.3d. 1449. These courts relied  
25 extensively upon Downes to assist with their interpretation of the Citizenship Clause. See Nolos, 611 F.3d. at  
26 282-84; Valmonte, 136 F.3d. at 918-21; Rabang, 35 F.3d. at 1452-53. Indeed, one of my own distinguished  
27 colleagues in an earlier decision cited these precedents to reaffirm that the Citizenship Clause did not include  
28 the Philippines during its territorial period. See Licudine v. Winter, 603 F.Supp.2d. 129, 132-34 (D.D.C. 2009)  
29 (Robinson, J.).12

30 [. . .]

31 Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a  
32 statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico,  
33 Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon  
34 their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-  
35 11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes  
36 would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality,  
37 such a practice requires special scrutiny before being set aside. See, e.g., Jackman v. Rosenbaum Co., 260 U.S.  
38 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced for two hundred years by common consent, it will need  
39 a strong case for the Fourteenth Amendment to affect it[.]); Walz v. Tax Comm'n, 397 U.S. 664, 678 (1970) ("It  
40 is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use .  
41 . . . Yet an unbroken practice . . . is not something to be lightly cast aside."). And while Congress cannot take  
42 away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not  
43 within the Constitution's breadth. See U.S. Const. art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of  
44 and make all needful Rules and Regulations respecting the Territory belonging to the United States[\*\*]"); *id.* at  
45 art. I, § 8, cl. 4 (Congress may "establish a uniform Rule of Naturalization . . ."). To date, Congress has not  
46 seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must  
47 and will respect that choice.<sup>16</sup>  
48 [Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

49 7. "citizen of the United States\*\*\*" for the purposes of naturalization, 8 U.S.C. §1421.

50 Eche and Lo rely on this observation, but our decision in Rodiek did not turn on any constitutional issue.  
51 Moreover, because Hawaii was an incorporated territory, our observation about the Naturalization Clause must  
52 be read in that context. The CNMI [Commonwealth of the Northern Mariana Islands] is not an incorporated  
53 territory. While the Covenant is silent as to whether the CNMI is an unincorporated territory, and while we  
54 have observed that it may be some third category, the difference is not material here because the Constitution  
55 has "no greater" force in the CNMI "than in an unincorporated territory." Comm. of Northern Mariana Islands  
56 v. Atalig, 723 F.2d. 682, 691 n. 28 (9th Cir.1984); see Waboll v. Villacrusis, 958 F.2d. 1450, 1459 n. 18 (9th  
57 Cir.1990). The Covenant extends certain clauses of the United States Constitution to the CNMI, but the  
58 Naturalization Clause is not among them. See Covenant §501, 90 Stat. at 267. The Covenant provides that the  
59 other clauses of the Constitution "do not apply of their own force," even though they may apply with the mutual  
60 consent of both governments. *Id.*



The Naturalization Clause does not apply of its own force and the governments have not consented to its applicability. The Naturalization Clause has a geographic limitation: it applies “throughout the United States[\*\*\*].” The federal courts have repeatedly construed similar and even identical language in other clauses to include states and incorporated territories, but not unincorporated territories. In Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901), one of the Insular Cases, the Supreme Court held that the Revenue Clause’s identical explicit geographic limitation, “throughout the United States[\*\*\*],” did not include the unincorporated territory of Puerto Rico, which for purposes of that Clause was “not part of the United States[\*\*\*].” Id. at 287, 21 S.Ct. 770. The Court reached this sensible result because unincorporated territories are not on a path to statehood. See Boumediene v. Bush, 553 U.S. 723, 757–58, 128 S.Ct. 2229, 171 L.Ed.2d. 41 (2008) (citing Downes, 182 U.S. at 293, 21 S.Ct. 770). In Rabang v. I.N.S., 35 F.3d. 1449 (9th Cir.1994), this court held that the Fourteenth Amendment’s limitation of birthright citizenship to those “born ... in the United States” did not extend citizenship to those born in the Philippines during the period when it was an unincorporated territory. U.S. Const., 14th Amend., cl. 1; see Rabang, 35 F.3d. at 1451. Every court to have construed that clause’s geographic limitation has agreed. See Valmonte v. I.N.S., 136 F.3d. 914, 920–21 (2d Cir.1998); Lacap v. I.N.S., 138 F.3d. 518, 519 (3d Cir.1998); Licudine v. Winter, 603 F.Supp.2d. 129, 134 (D.D.C.2009).

Like the constitutional clauses at issue in Rabang and Downes, the Naturalization Clause is expressly limited to the “United States.” This limitation “prevents its extension to every place over which the government exercises its sovereignty.” Rabang, 35 F.3d. at 1453. Because the Naturalization Clause did not follow the flag to the CNMI when Congress approved the Covenant, the Clause does not require us to apply federal immigration law to the CNMI prior to the CNRA’s transition date.

The district court correctly granted summary judgment on the merits to the government Defendants. Eche and Lo may, of course, submit new applications for naturalization once they have satisfied the statutory requirements. [Eche v. Holder, 694 F.3d. 1026]

8. “United States\*\* citizenship”, 8 U.S.C. §1452(a). The “domicile” used in connection with federal statutes can only mean federal territory not within any state because of the separation of powers. Therefore “United States” can only mean “United States\*\*\*”.

“Domicile and citizen are synonymous in federal courts. Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683.”  
[Black’s Law Dictionary, Fourth Edition, p. 311]

The terms “citizen” and “citizenship” are distinguishable from “resident” or “inhabitant.” Jeffcott v. Donovan, C.C.A.Ariz., 135 F.2d. 213, 214; and from “domicile,” Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354; First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 350, 351. The words “citizen” and citizenship,” however, usually include the idea of domicile, Delaware, L. & W.R. Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, Jonesboro Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v. Southern Pa. Bus Co., D.C.Pa., 59 F.Supp. 799, 800.  
[Black’s Law Dictionary, Fourth Edition, p. 310]

“Citizenship and domicile are substantially synonymous. Residency and inhabitation are too often confused with the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.), 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691.”  
[Baker v. Keck, 13 F.Supp. 486 (1936)]

“The term ‘citizen’, as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term ‘domicile’. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557.”  
[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]

9. “non-citizen national” or “U.S.\*\* non-citizen national”, 8 U.S.C. §1452(b). Uses the same “United States\*\*\*” as that found in 8 U.S.C. §1452(a). Otherwise, the ejusdem generis rule is violated.

“Ejusdem generis. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the “ejusdem generis rule” is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the



general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.

Under "ejusdem generis" canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. *Campbell v. Board of Dental Examiners*, 53 Cal.App.3d 283, 125 Cal.Rptr. 694, 696." [Black's Law Dictionary, Sixth Edition, p. 517]

10. "United States\*", 8 C.F.R. §215.1(e). Definition is not identified as geographical, and therefore is political. "subject to THE jurisdiction" is political per .

8 C.F.R. §215.1 Definitions.  
Title 8 - Aliens and Nationality

(e) The term **United States**\* means the several States, the District of Columbia, the Canal Zone, Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands, and all other territory and waters, continental and insular, subject to the jurisdiction of the United States\*].

"This section contemplates two sources of citizenship, and two sources only, birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and **subject to the jurisdiction thereof**.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, **but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance**. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired." [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

11. "citizen of the United States\*\*\*", Fourteenth Amendment.

"It is impossible to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or **to hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the United States**\*\*\*]. '" [U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]

"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States\*\*\*] within the meaning [meaning only ONE meaning] of the Constitution." [O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

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

12. Statutory "citizen" (of the United States\*\*), 26 C.F.R. §1.1-1(c).

26 C.F.R. §1.1-1 Income tax on individuals

(c ) Who is a citizen.

Every person born or naturalized in the [federal] United States\*\*] and **subject to ITS jurisdiction is a citizen**. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §1401-1459). "

13. Statutory “citizen” in the context of “U.S.\*\* person”, 26 U.S.C. §7701(a)(30).

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

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

(30) [United States](#) person

The term “United States[\*\*] person” means -

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

(B) a domestic partnership,

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

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

(E) any trust if -

(i) a court within the United States[\*\*] is able to exercise primary supervision over the administration of the trust, and

(ii) one or more United States[\*\*] persons have the authority to control all substantial decisions of the trust.

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > [Sec. 7701.](#) [Internal Revenue Code]  
[Sec. 7701. - Definitions](#)

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

(9) [United States](#)

The term “United States[\*\*]” when used in a geographical sense includes only the [States](#) and the District of Columbia.

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > [Sec. 7701.](#) [Internal Revenue Code]  
[Sec. 7701. - Definitions](#)

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

(10) [State](#)

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

### 4.6.3 Position on conflicting stare decisis from federal courts

We agree with the court authorities above because:

1. The term “citizen” as used in federal court means DOMICILE, not nationality. [Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557.](#) Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944).
2. Federal Rule of Civil Procedure 17(b) limits the applicability of federal civil law to those domiciled on federal territory and no place else. You can only be domiciled in ONE place at a time, and therefore ONLY be a STATUTORY “citizen” in EITHER the state or the national government but not both.
3. Those domiciled in a state of the Union:
  - 3.1. Are NOT domiciled within the exclusive jurisdiction of Congress and hence are not subject to federal civil law.
  - 3.2. Cannot have a civil statutory STATUS under the laws of Congress to which any obligations attach, especially including “citizen” without such a federal domicile.
4. “citizen” as used in 8 U.S.C. §1101(a)(22)(A) cannot SIMULTANEOUSLY be a STATUTORY/CIVIL status AND a CONSTITUTIONAL/POLITICAL status. It MUST be ONE or the other in the context of this statute. This is so because:
  - 4.1. “United States\*\*\*” in the constitution is limited to states of the Union.

4.2. “United States\*\*” in federal statutes is limited to federal territory and excludes states of the Union for every title OTHER than Title 8. See 26 U.S.C. §7701(a)(9) and (a)(10).

The federal courts are OBLIGATED to recognize, allow, and provide a STATUS under Title 8 for those who STARTED OUT as STATUTORY “citizens of the United States\*\*”, including those under 8 U.S.C. §1401 (“nationals and citizens of the United States\*\*”), and who decided to abandon ALL privileges, benefits, and immunities to restore their sovereignty as CONSTITUTIONAL but not STATUTORY “citizens”. This absolute right is supported by the following maxims of law:

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

*Potest quis renunciare pro se, et suis, juri quod pro se introductum est. A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

*Quilibet potest renunciare juri pro se inducto. Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

[Bouvier’s Maxims of Law, 1856]

SOURCE: <http://famguardian.o...viersMaxims.htm>

In addition to the above maxims of law on “benefits”, it is an unconstitutional deprivation to turn CONSTITUTIONAL rights into STATUTORY privileges under what the U.S. Supreme Court calls the “Unconstitutional Conditions Doctrine”.

*"It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional rights would be of little value if they could be indirectly denied," Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence,' Gomillion v. Lightfoot, 364 U.S. 339, 345."*  
[Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

An attempt to label someone with a civil status under federal statutory law against their will would certainly fall within in the Unconstitutional Conditions Doctrine. See:

Government Instituted Slavery Using Franchises, Form #05.030, Section 28.2  
<http://sedm.org/Forms/FormIndex.htm>

Furthermore, if the Declaration of Independence says that Constitutional rights are Unalienable, then they are INCAPABLE of being sold, given away, or transferred even WITH the consent of the PRIVATE owner.

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

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

Some people argue that the Declaration of Independence cited above is not “LAW” and they are wrong. The very first enactment of Congress on p. 1 of volume 1 of the Statutes At Large incorporated the Declaration of Independence as the laws of this country.

The only place that UNALIENABLE CONSTITUTIONAL rights can be given away, is where they don’t exist, which is among those domiciled AND present on federal territory, where everything is a STATUTORY PRIVILEGE and PUBLIC right and there are no PRIVATE rights except by Congressional grant/privilege.

*"Indeed, the practical interpretation put by Congress upon the Constitution has been long continued and uniform to the effect [182 U.S. 244, 279] that **the Constitution is applicable to territories acquired by purchase or conquest, only when and so far as Congress shall so direct. Notwithstanding its duty to 'guarantee to every state in this Union a republican form of government' (art. 4, 4), by which we understand, according to the definition of Webster, 'a government in which the supreme power resides in the whole body of the people, and is exercised by representatives elected by them,' Congress did not hesitate, in the original organization of the territories of Louisiana, Florida, the Northwest Territory, and its subdivisions of Ohio, Indiana, Michigan, Illinois, and Wisconsin and still more recently in the case of Alaska, to establish a form of government bearing***

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

#### 9 **4.6.4 Challenge to those who disagree**

10 Those who would argue with the conclusions of section 4.5 (such a federal judge) are challenged to answer the following  
11 questions WITHOUT contradicting either themselves OR the law. We guarantee they can’t do it. However, our answers to  
12 the following questions are the only way to avoid conflict. Those answers appear in the next section, in fact. Anything that  
13 conflicts with itself or the law simply cannot be true.

- 14 1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we  
15 don’t consent to ANYTHING, then aren’t the criminal laws the ONLY thing that can be enforced against  
16 nonconsenting parties, since they don’t require our consent to enforce?
- 17 2. Certainly, if we DO NOT want “protection” or “benefits, privileges, and immunities” of being a STATUTORY/CIVIL  
18 citizen domiciled on federal territory, then there ought to be a way to abandon it and the obligation to pay for it, at least  
19 temporarily, right?
- 20 3. If the word “permanent” in the phrase “permanent allegiance” is in fact conditioned on our consent and is therefore  
21 technically NOT “permanent”, as revealed in 8 U.S.C. §1101(a)(31), can’t we revoke it either temporarily or  
22 conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don’t?

23 [8 U.S.C. §1101 Definitions](#) [for the purposes of citizenship]

24 (a) As used in this chapter—

25 (31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary,  
26 but a relationship may be permanent even though it is one that **may be dissolved eventually at the instance either**  
27 **of the United States\*\*] or of the individual**, in accordance with law.

- 28 4. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory status of  
29 “citizen” carry any federal obligations whatsoever for those domiciled within a constitutional state and outside of  
30 federal territory?
- 31 5. If domicile is what imparts the “force of law” to civil statutes per Federal Rule of Civil Procedure 17 and we don’t  
32 have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress,  
33 INCLUDING that of “citizen”?
- 34 6. Isn’t a “non-resident non-person” just someone who refuses to be a customer of specific services offered by  
35 government using the civil statutory law? Why can’t I choose to be a non-resident for specific franchises or  
36 interactions because I don’t consent to procure the product or service.<sup>24</sup>
- 37 7. If the “citizen of the United States\*\* at birth” under 8 U.S.C. §1401 involves TWO components, being “national” and  
38 “citizen”, can’t we just abandon the “citizen” part for specific transactions by withdrawing consent and allegiance for

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<sup>24</sup> Earlier versions of the following regulation prove this:

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

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

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

those transactions or relationships? Wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

*citizen. One who, under the [Constitution](#) and laws of the [United States](#)\*\*\*], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights. All persons born or naturalized in the United States**\*\*\*], and subject to the jurisdiction thereof, are citizens of the United States\*\*\*] and of the state wherein they reside. [U.S. Const., 14th Amend.](#). See [Citizenship](#).*

***"Citizens" are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.** [Herriott v. City of Seattle](#), 81 Wash.2d. 48, 500 P.2d. 101, 109.  
[[Black's Law Dictionary](#), Sixth Edition, p. 244]*

8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may REFUSE to accept a "benefit"?

*"Invito beneficium non datur.*

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

*Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*

*A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

*Quilibet potest renunciare juri pro se inducto.*

*Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

*[Bouvier's Maxims of Law, 1856;*

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

9. If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and a civil "subject", isn't there:
- 9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
- 9.2. Involuntary servitude?
10. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".
11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, [527 U.S. 706](#) (1999).
- 11.1. Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
- 11.2. Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
- 11.3. Isn't a STATUTORY CIVIL "citizen\*\*+D" just a CUSTOMER of government services?
- 11.4. Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?
- 11.5. Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".
- 11.6. What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the



government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.

12. If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:
  - 12.1. A POLITICAL but not STATUTORY/CIVIL "citizen\*\*+D of the United States\*\*" under Title 8?
  - 12.2. A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the other titles?
  - 12.3. A "non-resident non-person" for every act of Congress.
  - 12.4. No domicile on federal territory or within the STATUTORY United States\*\* and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b).
  - 12.5. A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY "State".
13. Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of "citizen of the United States" under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same "citizen" as the one in Title 8?
14. If the Bible says that Christians can't consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar's laws such as STATUTORY "citizen"? The Bible says I can't have a king above me.

*"Owe no one anything [including ALLEGIANCE], except to love one another; for he who loves his neighbor has fulfilled the law."  
[Romans 13:8, Bible, NKJV]*

15. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract "rent" called "income tax" upon what belongs to God? Isn't Caesar therefore simply renting out STOLEN property and laundering money if he charges "taxes" on the use of that which belongs to God?

*"For you were bought [by Christ] at a price [His blood]; therefore glorify God in your body and in your spirit, which are God's [property]."  
[1 Cor. 6:20, Bible, NKJV]*

Readers wishing to read a detailed debate covering the meaning of the above terms in each context should refer to the following. You will need a free forum account and must be logged into the forums before clicking on the below links, or you will get an error.

1. SEDM Member Forums:  
<http://sedm.org/forums/topic/clarification-of-correct-interpretation-of-united-states-per-8-usc-1101a38/>
2. Family Guardian Forums:  
<http://famguardian.org/forums/topic/state-citizen-falsely-argues-that-he-is-not-a-fourteenth-amendment-citizen/>

Lastly, please do not try to challenge the content of this section WITHOUT first reading the above debates IN THEIR entirety. We and the Sovereignty Education and Defense Ministry (SEDM) HATE having to waste our time repeating ourselves.

#### **4.6.5 Our answers to the Challenge**

It would be unreasonable for us to ask anything of our readers that we ourselves wouldn't be equally obligated to do. Below are our answers to the challenge in the previous section. They are entirely consistent with ALL the organic law, the rulings of the U.S. Supreme Court, and the Bible. We allege that they are also the ONLY way to answer the challenge without contradicting yourself and thereby proving you are a LIAR, a THIEF, a terrorist, and an identity thief engaged in human trafficking of people's legal identity to what Mark Twain called "the District of Criminals".

1. QUESTION: If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against nonconsenting parties, since they don't require our consent to enforce?  
OUR ANSWER: Yes.

- 1 2. QUESTION: Certainly, if we DO NOT want “protection” or “benefits, privileges, and immunities” of being a  
2 STATUTORY/CIVIL citizen\*\*+D domiciled on federal territory, then there ought to be a way to abandon it and the  
3 obligation to pay for it, at least temporarily, right?  
4 OUR ANSWER: Yes. Absolutely. One can be protected by the COMMON law WITHOUT being a “person” under  
5 the CIVIL law. If one has a right to NOT contract and NOT associate, then that right BEGINS with the right to not  
6 procure ANY civil statutory status under what the U.S. Supreme Court calls “the social compact”. All compacts are  
7 contracts. Yet that doesn’t make such a person “lawless” because they are still subject to the COMMON law, which  
8 hasn’t been repealed.
- 9 3. QUESTION: If the word “permanent” in the phrase “permanent allegiance” is in fact conditioned on our consent and  
10 is therefore technically NOT “permanent”, as revealed in 8 U.S.C. §1101(a)(31), can’t we revoke it either temporarily  
11 or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don’t?  
12 OUR ANSWER: Yes. All that is required is to notice the government that you don’t consent. Everything beyond that  
13 point becomes a tort under the common law.
- 14 4. QUESTION: If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory  
15 status of “citizen” carry any federal obligations whatsoever for those domiciled within a constitutional state and outside  
16 of federal territory?  
17 OUR ANSWER: They don’t. Federal civil and criminal law has no bearing upon anyone OTHER than public officers  
18 within a constitutional state. Those officers, in turn, come under federal civil law by virtue of the domicile of the  
19 OFFICE they represent and their CONSENT to occupy said office under 4 U.S.C. §72 and Federal Rule of Civil  
20 Procedure 17. Otherwise, rule 17 forbids quoting federal civil law against a state citizen domiciled OUTSIDE of  
21 federal territory.
- 22 5. QUESTION: If domicile is what imparts the “force of law” to civil statutes per Federal Rule of Civil Procedure 17 and  
23 we don’t have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of  
24 Congress, INCLUDING that of “citizen\*\*+D” or “resident”?  
25 OUR ANSWER: You CAN’T. The only reason people believe otherwise is because of propaganda and untrustworthy  
26 publications of the government designed to destroy the separation of powers that is the foundation of the  
27 Constitution.<sup>25</sup>
- 28 6. QUESTION: Isn’t a “non-resident non-person” just someone who refuses to be a customer of specific services offered  
29 by government using the civil statutory code/franchise? Why can’t I choose to be a nonresident for specific franchises  
30 or interactions because I don’t consent to procure the product or service.<sup>26</sup>  
31 OUR ANSWER: Yes. You can opt-out of specific franchise by changing your status under each franchise. They all  
32 must act independently or the Unconstitutional Conditions Doctrine is violated.<sup>27</sup>
- 33 7. QUESTION: If the “national and citizen of the United States\*\* at birth” under 8 U.S.C. §1401 involves TWO  
34 components, being “national” and “citizen”, why can’t we just abandon the “citizen” part for specific transactions by  
35 withdrawing consent and allegiance for those transactions or relationships? Wouldn’t we do that by simply changing  
36 our domicile to be outside of federal territory, since civil status is tied to domicile?  
37 OUR ANSWER: Yes. You own yourself and your property. That right of ownership includes the right to exclude all  
38 others, including governments, from using or benefitting from the use of your property. See:

<sup>25</sup> See *Government Conspiracy to Destroy the Separation of Powers*, Form #05.023; <http://sedm.org/Forms/FormIndex.htm>.

<sup>26</sup> Earlier versions of the following regulation prove this:

26 C.F.R. §301.7701-5 Domestic, foreign, resident, and nonresident persons.

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

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

<sup>27</sup> For details on the Unconstitutional Conditions Doctrine of the U.S. Supreme Court, see: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 28.2; <http://sedm.org/Forms/FormIndex.htm>.

8. QUESTION: How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may REFUSE to accept a "benefit"?
- OUR ANSWER: They don't have the authority to demand that we buy or pay for anything that we don't want. It's a crime to claim otherwise in violation of:
- 8.1. The Fifth Amendment takings clause.
  - 8.2. Extortion, 18 U.S.C. §872.
  - 8.3. Mailing threatening communications, if they try to collect it, 18 U.S.C. §876.
  - 8.4. Racketeering, 18 U.S.C. Chapter 95.
9. QUESTION: If I'm not allowed to abandon the civil protection of Caesar and the obligation to pay for it and I am FORCED to obey Caesar's "social compact" and franchise called the CIVIL law and am FORCED to be privileged and a civil "subject", isn't there:
- OUR ANSWER:
- 9.1. An unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
- OUR ANSWER: Yes.
- 9.2. Involuntary servitude?
- OUR ANSWER: Yes.
10. QUESTION: What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".
- OUR ANSWER: YOU the sovereign are the "customer". The customer is always right. A government of delegated powers can have no more powers or sovereignty than the INDIVIDUAL PRIVATE HUMANS who make it up and whom it "serves".
11. The U.S. government claims to have sovereign immunity that allows it to pick and choose which statutes they consent to be subject to. See *Alden v. Maine*, 527 U.S. 706 (1999).
- 11.1. QUESTION: Under the concept of equal protection and equal treatment, why doesn't EVERY "person" or at least HUMAN BEING have the SAME sovereign immunity? If the government is one of delegated powers, how did they get it without the INDIVIDUAL HUMANS who delegated it to them ALSO having it?
  - OUR ANSWER: Yes. Humans also have sovereign immunity. Only their own consent and actions can undermine or remove that sovereignty. It's insane and schizophrenic to conclude that a government of delegated powers can have any more sovereignty than the humans who made it up or delegated that power. Likewise, it's a violation of maxims of law to conclude that the COLLECTIVE can have any more rights than a SINGLE HUMAN.<sup>28</sup>
  - 11.2. QUESTION: Why isn't that SAME government subject to the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 and suffer a waiver of sovereign immunity in state court when it tries to commercially invade a constitutional state against the consent of a specific inhabitant who is protected by the Constitution?
  - OUR ANSWER: They are. To suggest that they can pass any law that they themselves are not ALSO subject to in the context of those protected by the constitution amounts to an unconstitutional Title of Nobility to the "United States" federal corporation as a legal person.
  - 11.3. QUESTION: Isn't a STATUTORY "citizen" just a CUSTOMER of government services?
  - OUR ANSWER: Yes. The "services" derived by this customer are called "privileges and immunities". Those who aren't "customers" are: 1. "non-resident non-persons"; 2. Not "subjects". 3. Immune from the civil statutory law under Federal Rule of Civil Procedure 17; 4. Protected only by the common law under principles of equity and the constitution alone.
  - 11.4. QUESTION: Shouldn't that CUSTOMER have the SAME right to NOT be a customer for specific services, franchises, or titles of code? Isn't the essence of FREEDOM CHOICE and exclusive CONTROL over your own PRIVATE property and what you consent to buy and pay for?
  - OUR ANSWER: Yes. The main purpose of any government is to protect your EXCLUSIVE ownership over your PRIVATE property and the right to deprive ANYONE and EVERYONE from using or benefitting from the use of your PRIVATE property. If they won't do that, then there IS no government, but just a big corporation employer in which the citizen/government relationship has been replaced by the EMPLOYER/EMPLOYEE relationship. That's the essence of what "ownership" is legally defined as: The RIGHT to exclude others. If you

<sup>28</sup> "Derativa potestas non potest esse major primitiva. The power which is derived cannot be greater than that from which it is derived." [Bouvier's Maxims of Law, 1856; SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

can exclude everyone BUT the government, and they can exclude you without your consent, then THEY are the real owner and you are just a public officer employee acting as a custodian over what is REALLY government property. Hence, the government is SOCIALIST, because socialism is based on GOVERNMENT ownership and/or control of ALL property or NO private property at all.

11.5. QUESTION: Isn't it a conspiracy against rights to PUNISH me by withdrawing ALL government services all at once if I don't consent to EVERYTHING, every FRANCHISE, and every DUTY arbitrarily imposed against "citizens" by government? That's how the current system works. Government REFUSES to recognize those such as state nationals who are unprivileged and terrorizes them and STEALS from them because they refuse to waive sovereign immunity and accept the disabilities of being a STATUTORY "citizen".

OUR ANSWER: Yes, absolutely. Under such a malicious enforcement mechanism, uncoerced consent is literally and rationally IMPOSSIBLE.

11.6. QUESTION: What business OTHER than government as a corporation can lawfully force you and punish you for refusing to be a customer for EVERYTHING they make or starve to death and go to jail for not doing so? Isn't this an unconstitutional Title of Nobility? Other businesses and even I aren't allowed to have the same right against the government and are therefore deprived of equal protection and equal treatment under the CONSTITUTION instead of statutory law.

OUR ANSWER: No other business can do that or should be able to do that, and hence, the government has "supernatural" and "superior powers" and has established not only a Title of Nobility, but a RELIGION in which "taxes" become unconstitutional tithes to a state-sponsored religion, civil rulers are "gods" with supernatural powers, you are the compelled "worshipper", and "court" is the church building.<sup>29</sup>

12. QUESTION: If the First Amendment allows for freedom from compelled association, why do I have to be the SAME status for EVERY individual interaction with the government? Why can't I, for instance be all the following at the same time?:

OUR ANSWER:

12.1. QUESTION: A POLITICAL but not STATUTORY/CIVIL "citizen\*\*+D of the United States\*\*\*" under Title 8?

OUR ANSWER: You can.

12.2. QUESTION: A "nonresident" for every other Title of the U.S. Code because I don't want the "benefits" or protections of the other titles?

OUR ANSWER: You can. Under the Uniform Commercial Code, YOU can be a Merchant in relation to every government franchise selling YOUR private property to the government, and specifying terms that SUPERSEDED or replace the government's author. If they can offer franchises, you can defend yourself with ANTI-FRANCHISES under the concept of equal protection.

12.3. QUESTION: A "nonresident non-person" for every act of Congress.

OUR ANSWER: Yes. Domicile outside of federal territory makes one a nonresident and transient foreign under federal civil law, unless already a public officer lawfully serving in an elected or appointed position WITHIN a constitutional state.

12.4. QUESTION: No domicile on federal territory or within the STATUTORY United States\*\* and therefore immune from federal civil law under Federal Rule of Civil Procedure 17(b).

OUR ANSWER: Yes. Absolutely. Choice of law rules and criminal "identity theft" occurs if rule 17 is transgressed and you are made involuntary surety for a public office called "citizen" domiciled in what Mark Twain calls "the District of Criminals".

12.5. QUESTION: A PRIVATE "person" only under the common law with a domicile on private land protected by the constitution but OUTSIDE "the State", which is a federal corporation? Only those who are public officers have a domicile within the STATUTORY "State" and only while on official duty pursuant to 4 U.S.C. §72. When off duty, their domicile shifts to OUTSIDE that STATUTORY "State".

OUR ANSWER: Yes. By refusing to consent to the privileges or benefits of CIVIL citizenship, you retain your sovereign immunity, retain ALL your constitutional rights, and are victim of a tort of the federal government refuses to leave you alone. The right to be left alone, in fact, is the very DEFINITION of justice itself and the purpose of courts is to promote and protect justice.<sup>30</sup>

13. QUESTION: Is the "citizen" in Title 8 of the U.S. Code the same "citizen" that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of "citizen of the United

<sup>29</sup> For exhaustive proof, see: *Socialism: The New American Civil Religion*, Form #05.016; <http://sedm.org/Forms/FormIndex.htm>.

<sup>30</sup> "The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. **They conferred, as against the Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized men.**"

[Olmstead v. United States, *277 U.S. 438, 478* (1928) (Brandeis, J., dissenting) ; see also *Washington v. Harper*, *494 U.S. 210* (1990)]



States” under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same “citizen” as the one in Title 8?

OUR ANSWER: If it is, a usurpation is occurring according to the U.S. Supreme Court in *Osborn v. Bank of the United States*.

*“But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898\*898 Making a person, makes a case; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction because it has made a case. If this be true, why not make every citizen a corporation sole, and thus bring them all into the Courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the constitution implied in this doctrine, but a positive power to violate it. Suppose every individual of this corporation were citizens of Ohio, or, as applicable to the other case, were citizens of Georgia, the United States could not give any one of them, individually, the right to sue a citizen of the same State in the Courts of the United States; then, on what principle could that right be communicated to them in a body? But the question is equally unanswerable, if any single member of the corporation is of the same State with the defendant, as has been repeatedly adjudged.”*  
[*Osborn v. Bank of U.S.*, 22 U.S. 738 (1824); SOURCE: <http://scholar.google...760256043512250>]

14. QUESTION: If the Bible says that Christians can’t consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar’s laws such as STATUTORY “citizen”? The Bible says I can’t have a king above me.

OUR ANSWER: Those not domiciled on federal territory and who refuse to accept or consent to any civil status under Caesar’s laws retain their sovereign and sovereign immunity and therefore are on an EQUAL footing with any and every government. They are neither a “subject” nor a “citizen”, but also are not “lawless” because they are still subject to the COMMON law and must be dealt with ONLY as an EQUAL in relation to everyone else, rather than a government SLAVE or SUBJECT. See Exodus 23:32-33, Isaiah 52:1-3, and Judges 2:1-4 on why God forbids Christians to consent to ANYTHING government/Caesarea does, and why this implies that they can’t be anything OTHER than equal and sovereign in relation to Caesar.

15. QUESTION: If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract “rent” called “income tax” upon what belongs to God? Where is the separation of church and state in THAT? Isn’t Caesar therefore simply renting out STOLEN property and laundering money if he charges “taxes” on the use of property which belongs to God?

OUR ANSWER: Yes he is according to God. The Holy Bible says the Heaven and the Earth belong NOT to Caesar, but the God. Deut. 10:15. Caesar, on the other hand, falsely claims that HE owns everything by “divine right”, which means he STOLE the ownership from God. Like Satan, he is a THIEF. He is renting out STOLEN property and therefore MONEY LAUNDERING in violation of God’s laws.

#### 4.7 United States: Dr. Jekyll or Mr. Hyde?

One of the most important and most abused phrases in government documents may be surprising to you. It’s the “United States.” The United States actually has four primary separate contexts and misinformed readers of government documentation may miss the entire point of any specific government document if they can’t correctly interpret which CONTEXT of the phrase “United States” is actually being referenced in the text. In the real estate field, the three most important things are LOCATION, LOCATION, and LOCATION. In the LEGAL field, the most important thing is CONTEXT of the terms used. Generally, only judges and lawyers understand all the available contexts and are able to discern context by deciphering the nuance in a statute. For the legally uninformed, all the contexts are considered equivalent and YOU as the reader are considered the target of every context in order to illegally expand the jurisdiction and power of the court and the government.

As a result of purposeful confusion by the government we use narrow and well defined TERMS to distinguish between the various CONTEXTS of the United States (and other words of art as well). As you’ll see below there are four primary separate contexts for the meaning of the “United States”. In this Form/Document when we write material describing the United States we use separate terms to describe each one of the potential meanings. However; when we are quoting legal opinions that aren’t our original creation we leave the term “United States” in the quotation, but we use a convention of \*, \*\*, \*\*\*, \*\*\*\* usually in brackets (“[\*]”) when the words “United States” appear to help readers decipher which context was implied by the context.

By the end of this document, you should have a thorough understanding of how the National Government and the enclaves, territories and possessions, which is the same Congress, have colluded with States to unlawfully usurp power and constitutional rights from average Americans and they do it through the use of purposefully convoluted law and intentionally



disguised words of art. The ultimate result is an immense financial crime against the American people. You should be able to recognize DECEPTIVE WORDS OF ART so that when you're reading government documentation you have a legal understanding of the nuance of government documents and potential contractual traps or legal manipulation resulting from them.

#### **4.7.1 The two separate geographical jurisdictions create 3 geographically based interpretations for the term the United States**

*"The term 'United States' may be used in any one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations. It may designate the territory over which the sovereignty of the United States extends, or it may be the collective name of the states which are united by and under the Constitution."*

*[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

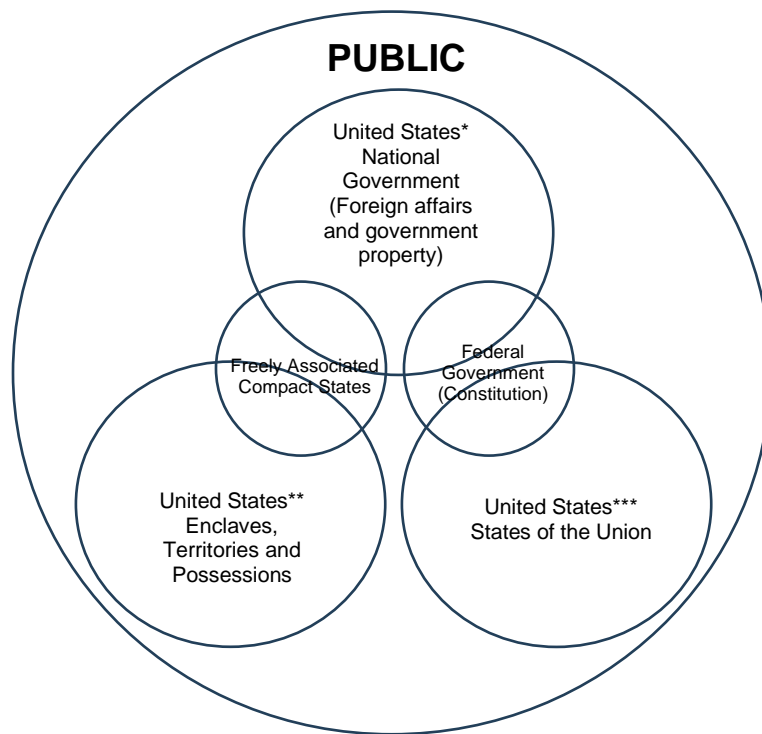
Based on the above Supreme Court Decision there are three separate contexts of the word United States. This is where we apply the convention of \*, \*\*, and \*\*\* consistently used throughout not only this document, but all the materials found on our website.

1. United States\*: "It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations".
2. United States\*\*: "It may designate the territory over which the sovereignty of the United States extends".
3. United States\*\*\*: "or it may be the collective name of the states which are united by and under the Constitution".

Those definitions are lengthy, complicated, and annoying to quote. For simplicity we reference the geographical contexts as the following

1. United States\* - The Nation
2. United States\*\* - Enclaves, Territories, and Possessions
3. United States\*\*\* - States of the Union // the 50 states

If it's not clear there's a mathematical relationship between the three above GEOGRAPHICAL definitions. The math formula is  $1 = 2 + 3$ . In other words, the National Government is composed of both the land mass of the DC, Territories and Possessions and the land mass belonging to the 50 States. All three of the above are what we call the "Dr. Jekyll" de jure government:



**Figure 1: Geographical versions of "United States"**

The United States as described in Hooven sets up distinct geographical boundaries for the United States. Those different geographical boundaries are subject to different groups of people that operate those different United States.

1. United States\*- The Nation, is operated by the National Government.
2. United States\*\* - The Enclaves, Territories, and Possessions is operated by the same National Congress over what they call the Enclaves, Territories, and Possessions in a capacity the Supreme Court calls the "Federal Zone".<sup>31</sup>
3. United States\*\*\* - The States of the Union are operated by the various State Governments.

#### **4.7.2 The first two of four definitions of United States**

Via the Bible it's established that God's jurisdiction is created by his ownership over a physical geography.

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

Only by absolute ownership can God then become the Lawgiver. He is the LORD because He owns the LAND. Hence, the phrase "Landlord". The "laws" in this scenario are merely a CIVIL STATUTORY regulation of the use of His property, not unlike how a Landlord can make rules for his or her tenants. In fact, in the following video, Satan himself recognizes God as "an absentee Land Lord".

*Devil's Advocate: Lawyers, SEDM*  
<http://sedm.org/what-we-are-up-against/>

Congress has jurisdiction over the territories and possessions. The Constitution in Article 4, Section 3, Clause 2 imputes to Congress the authority to "make needful rules" respecting its land and physical property:

*United States Constitution*

<sup>31</sup> See: *United States v. Lopez*, 514 U.S. 549 (1995), Justice Kennedy concurring opinion.

Article 4, Section 3

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

All CIVIL STATUTES, including all franchises, are a legitimate exercise of the above power. That power can, in fact, have no other legitimate source. Mere force, fraud, or deception cannot be the origin of that authority. Might does NOT make right as they say.

The Constitution is a trust indenture. It creates a corporation called the “United States\*\*\*\*”. The “Corpus” of this trust is the community property owned by the United States\*\*\*\* corporation. Those serving as public officers are then trustees under that trust serving within that corporation. Trusts can be written down and intentionally created. They can also be generated as legal fictions as part of contracts or court matters. Article I, Section 8 of the U.S. Constitution enumerates, describes, and limits the exercise of the power of the “United States\*\*\*\*” to 17 specific subject matters:

*United States Constitution  
Article I: Legislative Department  
Section 8: Powers of Congress  
Clause 1. Power to Tax and Spend*

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

[. . .]

[United States Constitution, SOURCE: <https://law.justia.com/constitution/us/article-1/>]

The National Government derives its powers from the delegated powers of the union States. Each state separately delegated powers to the Nation. Additionally, the first continental congress, which was a group of states working together, collectively but not individually, had the power to levy taxes, wage war, etc. When the nation was brought together the right of the collective to wage war, levy taxes, etc. moved from the continental congress to the new National government. Further, the constitution splits those delegated powers into different branches- legislature, executive branch, and the judicial branch. Each branch has separate delegated powers to enable the 50 states to act as one larger nation, especially in regards to foreign nations and duties, customs, and impost, but without putting too much power in any single branch. Additionally, the Federal jurisdiction also controls interstate arrangements between two or more separate states, particularly through the judicial branch, but the Federal jurisdiction does not extend within the intrastate policy of any single union state.

The second jurisdiction of the United States\*\* consists of DC and the territories and possessions. DC is a physical, geographical PLACE that’s 10 square miles. Washington, DC is a federal enclave that was originally carved out of Maryland and Virginia. The Virginia side was taken back by the state, leaving only the Maryland side. The constitution enables the **exact same Congress as the National Government** to serve in the role of the municipal government of Washington DC as well as the possessions, territories, and what the State Department calls the “Freely Associated Compact States.” These “States” (another deceptive Word of Art) aren’t union States and as such **the Federal Constitution does not apply to them**. This land area and its government is collectively called the Federal Zone by the Supreme Court. This is a big problem, a giant oversight in the Federal Constitution, and a major contributing source of the criminal heist against Americans by the government.

To be clear, the Constitution requires Congress to operate in **two** roles simultaneously. They operate a Constitutional National Government of delegated powers derived from the Several States and the same legislature operates the Federal Zone Government, absent Constitutional restrictions, which is essentially a municipal function regarding DC, possessions, territories, and “Freely Associated Compact States.”

*“It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?”*

*[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]*

Congress in a Federal capacity is limited to a Constitutional Republic as outlined in the Constitution.

United States Constitution  
Article 4: States Relations  
Section 4. Obligations of United States to States

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.  
[SOURCE: <https://law.justia.com/constitution/us/article-4/>]

But that Constitution **does not** require the Federal Zone Government (United States\*\*) to operate in the same Constitutional capacity.

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

The territories and possessions do not operate as a constitutional republic and instead it operates as a socialist democracy. The lack of constitutional constraints in the Federal Zone creates one of the central pillars on which the great heist is orchestrated. That heist is only possible because when there are no constitutional limitations on politicians, the result is COMPLETE ANARCHY and lawlessness because there is no mechanism to constrain what politicians can do. That state of anarchy is exhaustively proven in the following document:

Your Irresponsible, Lawless, and Anarchist Beast Government, Form #05.054  
<https://sedm.org/Forms/05-MemLaw/YourIrresponsibleLawlessGov.pdf>

#### 4.7.3 A fourth United States\*\*\*\* Definition - Contract has no geography

The fourth United States\*\*\*\* is a federal corporation.

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

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

"Corporations are also of all grades, and made for varied objects; all governments are corporations, created by usage and common consent, or grants and charters which create a body politic for prescribed purposes; but whether they are private, local or general, in their objects, for the enjoyment of property, or the exercise of power, they are all governed by the same rules of law, as to the construction and the obligation of the instrument by which the incorporation is made. One universal rule of law protects persons and property. It is a fundamental principle of the common law of England, that the term freemen of the kingdom, includes 'all persons,' ecclesiastical and temporal, incorporate, politique or natural; it is a part of their magna charta (2 Inst. 4), and is incorporated into our institutions. The persons of the members of corporations are on the same footing of protection as other persons, and their corporate property secured by the same laws which protect that of

1 individuals. 2 Inst. 46-7. 'No man shall be taken,' 'no man shall be disseised,' without due process of law, is a  
2 principle taken from magna charta, infused into all our state constitutions, and is made inviolable by the federal  
3 government, by the amendments to the constitution."  
4 [*Proprietors of Charles River Bridge v. Proprietors of Warren Bridge*, [36 U.S. 420](#) (1837)]

5 In the fourth capacity the United States\*\*\*\* corporation competes in the private marketplace for goods, commerce, and  
6 contracts to carry into operation the constitutional functions that it has been delegated. The corporation functions as a  
7 sovereign entity that cannot be sued in its own courts without its consent. This context of capacity as a "The Federal Zone"  
8 of the United States\*\* is described below as part of the Clearfield Doctrine:

9 See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on  
10 business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926));  
11 *Perry v. United States*, supra at 352 (1935) ("When the United States, with constitutional authority, makes  
12 contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such  
13 instruments. There is no difference . . . except that the United States cannot be sued without its consent")  
14 (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with  
15 their citizens, are controlled by the same laws that govern the citizen in that behalf"); *Cooke v. United States*,  
16 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty,  
17 and enters the domain of commerce, it submits itself to the same laws that govern individuals there").

18 See *Jones*, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen  
19 or corporate body must by supposition be substituted in its place, and then the question be determined whether  
20 the action will lie against the supposed defendant"); *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982)  
21 (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt  
22 by such governing action could not claim compensation from the other party for the governing action"). The  
23 dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz* drew its  
24 reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need  
25 to treat the government-as-contractor the same as a private party.  
26 [*United States v. Winstar Corp.*, 518 U.S. 839 (1996)]

27 The above case does NOT, however, mention the scenario where the Federal Zone Government of the United States\*\* is  
28 acting COMPLETELY outside of the constitution as a landlord over its own property under Article 4, Section 3, Clause 2.  
29 In that capacity, it implicitly surrenders its sovereign immunity and must operate entirely under equity (contract law) as an  
30 equal of every other private enterprise and entities that it is competing with in the commercial marketplace. When that  
31 corporation is acting OUTSIDE the constitution as the Federal Zone (over the United States\*\*), it is acting on an equal footing  
32 with every OTHER federal corporation under what is called the Clearfield Doctrine: The Government is not acting in a  
33 sovereign governmental capacity but in the corporate capacity as a mere private corporation like any other corporation  
34 engaged in commerce and contract law.

35 What you may not know is that the National government collectively functions as a corporation. As a corporation it has the  
36 right to contract like any other corporation. When it contracts it is no longer treated as a special class of corporation called a  
37 government, and instead of special treatment the United States\*\*\*\* is treated like every other corporation doing business.  
38 It's important to note that the law of contract has no geography.

39 "Debt and contract [franchise agreement, in this case] are of no particular place."  
40 [*Bouvier's Maxims of Law*, 1856;  
41 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

42 So, the fourth description of the United States\*\*\*\* is anti-geographic or virtual. That is, the legal contracts formed with the  
43 United States\*\*\*\* have no geographic boundaries.

44 So in total there are four versions of the United States and they all have their basis in a GEOGRAPHICAL context.

- 45 1. United States\* National Government - The totality of the nation
- 46 2. United States\*\* Federal Zone consisting of enclaves, Territories and Possessions, meaning the District of Criminals,  
47 possessions and territories.
- 48 3. United States\*\*\* States of the Union (the combined geography of all 50 states).
- 49 4. United States\*\*\*\* As a legal entity contracting with individuals (individuals is another word of art, but we'll get there  
50 later), corporations, trusts, and government officers with no geographical limitations.



The corrupt “Mr. Hyde” version of the BEAST government is United States\*\*\*\*. The worst behavior of the government is experienced when the United States\*\*\*\* ABUSES contract law to do the OPPOSITE of what governments are created to do, which is protect PRIVATE property and PRIVATE rights ONLY. In this capacity, the corporation United States\*\*\*\*:

1. Colors private property into public property via franchise agreements and then targets the newly colored public property for confiscation, exploitation, and theft.
2. Operates in a “for profit” capacity instead of an eleemosynary non-profit capacity. Once the government has a profit or revenue motive, it DEFEATS the oaths of office that its officers are appointed under:

*“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>32</sup> Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain from a discharge of their trusts.<sup>33</sup> That is, a public officer occupies a fiduciary relationship to the political entity on whose behalf he or she serves.<sup>34</sup> and owes a fiduciary duty to the public.<sup>35</sup> It has been said that the fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>36</sup> Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence and undermine the sense of security for individual rights is against public policy.<sup>37</sup>”*  
[63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

3. Has the sole purpose of raising revenue (love of money) and expanding the authority and sovereignty and importance of politicians at the expense of the equality and dignity of the people they work for. This motive originates mainly from the MASSIVE deficit spending it engages in that COMPELS politicians to continually hunt down NEW revenue sources.
4. Grants itself a monopoly on the service offered and destroys all its competitors. Thus, it is able to stifle all competition.
5. Exempts itself from the limitations of the Sherman Antitrust Act, and thus cannot be sued for monopolistic or anti-competitive behavior.
6. Functions in an ENTIRELY PRIVATE capacity without sovereign immunity. Thus, the consent of the DE FACTO United States\*\*\* is not required to be sued.
7. Has no more authority than a single human being. The government is a government of delegated authority alone, and can have no more authority than the PRIVATE humans from whom that authority was delegated.
8. When it competes in the private commercial marketplace for people, property, services, and revenue:
  - 8.1. Does so as a “Merchant” under U.C.C. §2-104(1) offering you “civil services” and/or “benefits”.
  - 8.2. Treats you as a “Buyer” under U.C.C. §2-103(1)(a).
  - 8.3. Is the only one who can define the terms of the offer and the obligations associated with your acceptance because they are the CREATOR and OWNER of the thing they are offering you. Civil legislation in the form of a franchise or privilege was the thing used to CREATE the property they are offering you. That act of creation occurs in the DEFINITION section of the civil statutes where “civil statuses” and “legal statuses” are defined and then association with PUBLIC RIGHTS that are PUBLIC property you want to procure.
  - 8.4. You ACCEPT their offer by applying on a government “benefit” or franchise form asking either for government physical property such as a Social Security Card on an SS-5 Form, or for a CIVIL STATUTORY PUBLIC IDENTITY they create and own, such as “driver” (driver license), “spouse” (marriage license), “taxpayer” (tax code), etc.

<sup>32</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>33</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley (1st Dist), 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697, app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>34</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>35</sup> United States v. Holzer (CA7 Ill), 816 F.2d. 304 and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed.2d. 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed.2d. 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>36</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>37</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

9. Enforces the PRIVILEGES associated with the civil statuses they created and granted as public property within franchise courts in the EXECUTIVE Branch, instead of constitutional courts in the JUDICIAL branch. These fake or de facto “courts” operate under Article I or Article IV of the Constitution rather than Article III.
10. Can lawfully be sued without its consent in EQUITY under the constitution and the common law.
11. Because it has a monopoly, can attach ANY condition or obligation it wants to those seeking benefits with its franchises. This is called “weaponization of government”, which we describe as follows:

SEDM Disclaimer, Section 4.30: Weaponization of Government  
<https://sedm.org/disclaimer.htm>

12. Is what we call a “de facto government” or “anti-government” as described in:

*De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

The opening page of our website warns about the hazards of contracting, associating with, or consenting to anything offered by the United States\*\*\*\* Beast government as follows:

*“People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL “law”. The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the “cost” of procuring the “benefit” or property from the government, in fact. Nothing in life is truly “free”. Anyone who claims that such “benefits” or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God’s curse upon those who allow a king above them. Click Here (<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph.”*  
[SEDM Opening Page; <http://sedm.org>]

#### 4.7.4 Restating for context and one more nickname-

1. **US\* National Government** - Congress interacting with foreign nations, declaring wars, setting customs amounts, establishing Federal law. Also, this includes\* (another word of art) judges managing interstate matters in Federal District Courts. The US Federal Government has no say in the internal (intrastate) affairs of each separate union State so long as the union State breaks no Federal laws.
2. **US\*\* Federal Zone: Enclaves, Territories and Possessions, also called “The Freely Associated Compact States”** - Congress operating municipal government without the restrictions of a constitutional republic over the landmass of DC, territories, possessions aka the “Freely Associated States”.
3. **US\*\*\* States of the Union-** The total geography covered by the 50 union States each having complete control of intrastate matters
4. **US\*\*\*\* The Corporate Beast** - Deals with contracts (especially franchises described below), and does not have a specific geography since contract law is not bound by geography.

*Government Instituted Slavery Using Franchises*, Form #05.030  
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

The first three items in the list are the friendly “Dr. Jekyll” government of the “United States”. The last one, the “United States\*\*\*\*”, is the corrupt “Mr. Hyde” corporate beast version of the United States that the Bible book of Revelation refers to as “The Beast”. We also call this the “de facto” government in the following document on our site:

*De Facto Government Scam*, Form #05.043  
<https://sedm.org/Forms/05-MemLaw/DeFactoGov.pdf>

#### 4.7.5 Drilling down into each of the four further

Using statutes, and supreme court cases, we can further break down each of the four “United States” into their component parts, listing the authorities that are the basis for each.

**Table 4: Breakdown of each of the four "United States"**

#	Name	Political	Authority	S.C. Case	Who	Geographical
<b>1</b>	<b>United States*</b>	<b>National Government</b>	<b>Law of Nations</b>	Hooven & Allison Co. v. Evatt, 324 U.S. 651 (1945) U.S. v. Curtiss Wright Export, 299 U.S. 304 (1936)	<b>Congress</b>	<b>Interstate but not intrastate, and with regards to Foreign Affairs</b>
1.1	United States <sup>USA</sup>	United States of America	Articles of Confederation	U.S. v. Curtiss Wright Export, 299 U.S. 304 (1936)	Executive	Foreign Affairs
1.2	United States <sup>P</sup>	National government in its political sense	Constitution of 1789	U.S. v. Curtiss Wright Export, 299 U.S. 304 (1936)	Congress	Interstate but not intrastate
1.3	United States <sup>FG</sup>	Federal Government in its relation to states of the Union	Constitution of 1789	U.S. v. Curtiss Wright Export, 299 U.S. 304 (1936)	Congress	Interstate but not intrastate
<b>2</b>	<b>United States**</b>	<b>Enclaves, Territories, and Possessions</b>				
2.1	United States <sup>DCE</sup>	District and Federal Enclaves	Const. 1:8:17 (Enclave Clause)	Hooven & Allison Co. v. Evatt, 324 U.S. 651 (1945) U.S. v. Curtiss Wright Export, 299 U.S. 304 (1936)	Congress	DC and Federal Enclaves within 50 States
2.2	United States <sup>T</sup>	Territories and Possessions Local Government	Const. 4:3:2 Title 4 U.S.C. (Buck Act) Title 48 U.S.C.		Local	Territories and Possessions
<b>3</b>	<b>United States***</b>	<b>Constitutional and Corporate union States</b>				
3.1	United States <sup>S</sup>	State Government	State Constitution Fed. Constit. Article IV	Hooven & Allison Co. v. Evatt, 324 U.S. 651 (1945) U.S. v. Curtiss Wright Export, 299 U.S. 304 (1936)	State	Within the Boundaries of the 50 States
3.2	United States <sup>CS</sup>	STATE OF STATE // Federal States // Corporate // Beast	Federalist Papers		State	Federal Enclave within union States
3.3	United States <sup>50</sup>	50 bodies politic		Texas v. White, 74 U.S. 700 (1869)	State	Nongeographical
3.4	United States <sup>G</sup>	50 states + DC in their geographical sense		Texas v. White, 74 U.S. 700 (1869)	State	50 states and District of Columbia
<b>4</b>	<b>United States****</b>	<b>Corporate/Contract, "Beast"</b>	28 U.S.C. §3002(15)(A)	Clearfield Trust Co. v. United States, 318 U.S. 363 (1943) Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837) U.S. v. Babcock, 240 U.S. 328, 39 S.Ct. 464 (1919) U.S. v. Winstar, Corp., 518 U.S. 839 (1996)	Corporate	Non-geographical, Contract has no Place
4.1	United States <sup>J</sup>	D.C. and all Federal property, offices, agents, contracts, etc.	28 U.S.C. §3002(15)(A) 5 U.S.C. §553(a)(2)	Clearfield Trust Co. v. United States, 318 U.S. 363 (1943) Proprietors of Charles River Bridge v.	Corporate	Non-geographical, contract has no place

#	Name	Political	Authority	S.C. Case	Who	Geographical
				Proprietors of Warren Bridge, 36 U.S. 420 (1837) U.S. v. Babcock, 240 U.S. 328, 39 S.Ct. 464 (1919) U.S. v. Winstar, Corp., 518 U.S. 839 (1996)		
4.2	United States <sup>E</sup>	Federal officers, agents, employees	44 U.S.C. §1505(a)(1)		Corporate	Non-geographical, contract has no place
4.3	United States <sup>A</sup>	Government agency management or personnel or public property, loans, grants, benefits, or contracts	5 U.S.C. §301 5 U.S.C. §553(a)(2)		Corporate	Non-geographical, contract has no place
4.4	United States <sup>MFA</sup>	Military or foreign affairs	5 U.S.C. §553(a)(1)		Corporate	Non-geographical, contract has no place

## NOTES:

- Items in red, being 3.2 and 4 are examples of Corporate Beast behavior in both the national and the state governments.
- For details on 3.2 and 4 acting in a private, corporate Beast capacity, see:

*Corporatization and Privatization of the Government*, Form #05.024  
<https://sedm.org/Forms/05-MemLaw/CorpGovt.pdf>

The National Government has two distinct functions. One function is when it is engaged in foreign affairs. In this capacity the National Government is referenced as the United States of America.

*Articles of Confederation*

*Preamble*

*To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting. Whereas the Delegates of **the United States of America in Congress assembled** did on the fifteenth day of November in the Year of our Lord One Thousand Seven Hundred and Seventy Seven, and in the Second Year of the Independence of America agree to certain articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia in the Words following, viz. "Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.*

This is also confirmed by the Supreme Court in US v. Curtiss Wright Export

*As a result of the separation from Great Britain by the colonies acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in foreign affairs, acting through a common agency — namely the Continental Congress, composed of delegates from the thirteen colonies. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure 317\*317 without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See Penhallow v. Doane, 3 Dall. 54, 80-81. That fact was given practical application almost at once. The treaty of peace, made on September 23, 1783, was concluded between his Britannic Majesty and the "United States of America." 8 Stat. — European Treaties — 80.*

*[U.S. v. Curtiss Wright Export, 299 U.S. 304, 317 (1936)]*

The national Government has a second function when engaged in interstate affairs of the union States. Here it is called the Federal Government.

***Why You Are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien***

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

"The two classes of powers are different, both in respect of their origin and their nature. The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers then possessed by the states such portions as it was thought desirable to vest in the federal government, leaving those not included in the enumeration still in the states. *Carter v. Carter Coal Co.*, 298 U.S. 238, 294. That this doctrine applies only to powers which the states had, is self evident. And since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other source. During the colonial period, those powers were possessed exclusively by and were entirely under the control of the Crown. By the Declaration of Independence, "the Representatives of the United States of America" declared the United [not the several] Colonies to be free and independent states, and as such to have "full Power to levy War, conclude Peace, contract Alliances, establish Commerce and to do all other Acts and Things which Independent States may of right do."

[*U.S. v. Curtiss Wright Export*, 299 U.S. 304, 316 (1936)]

The United States also has distinctions in the specific context of its municipal function for the Enclaves, Territories, and Possessions.

The statute now before us forecloses the States from experimenting and exercising their own judgment in an area to which States lay claim by right of history and expertise, and it does so by regulating an activity beyond the realm of commerce in the ordinary and usual sense of that term. The tendency of this statute to displace state regulation in areas of traditional state concern is evident from its territorial operation. There are over 100,000 elementary and secondary schools in the United States. See U. S. Dept. of Education, National Center for Education Statistics, Digest of Education Statistics 73, 104 (NCES 94-115, 1994) (Tables 63, 94). Each of these now has an invisible federal zone extending 1,000 feet beyond the (often irregular) boundaries of the school property. In some communities no doubt it would be difficult to navigate without infringing on those zones. Yet throughout these areas, school officials would find their own programs for the prohibition of guns in danger of displacement by the federal authority unless the State chooses to enact a parallel rule.

[*United States v. Lopez*, 514 U.S. 549, 583 (1995)]

The first function it serves is the District of Columbia and the Federal Enclaves within the states. The power comes from Constitution Article 1, Section 8, Clause 17:

U.S. Constitution  
Clause 17. District of Columbia; Federal Property

Congress shall have power \* \* \* To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.

The second function of the municipality over the Territories and Possessions comes from the Constitution in 4:3:2 and is codified in 4 USC (sometimes called the Buck Act) and 48 USC.

[United States Constitution](#)  
[Article 4, Section 3, Clause 2](#)

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

This is confirmed by Title 4 USC:

[4 U.S. Code § 110 - Same; definitions](#)

As used in sections [105–109](#) of this title—

(a) The term "[person](#)" shall have the meaning assigned to it in [section 3797 of title 26](#).



(b) The term “[sales or use tax](#)” means any tax levied on, with respect to, or measured by, sales, receipts from sales, purchases, storage, or use of tangible personal property, except a tax with respect to which the provisions of [section 104 of this title](#) are applicable.

(c) The term “[income tax](#)” means any tax levied on, with respect to, or measured by, net income, gross income, or gross receipts.

(d) The term “[State](#)” includes any Territory or possession of the United [States](#).

(e) The term “[Federal area](#)” means any lands or premises held or acquired by or for the use of the United [States](#) or any department, establishment, or agency, of the United [States](#); and any [Federal area](#), or any part thereof, which is located within the exterior boundaries of any [State](#), shall be deemed to be a [Federal area](#) located within such [State](#).

(July 30, 1947, ch. 389, [61 Stat. 645](#).)

This is also confirmed by Title 48 USC:

## U.S. Code: Title 48

U.S. Code

[prev](#) | [next](#)

[CHAPTER 1—BUREAU OF INSULAR AFFAIRS \(§§ 1 – 4\)](#)

[CHAPTER 2—ALASKA \(§§ – 488\)](#)

[CHAPTER 3—HAWAII \(§§ – 724\)](#)

[CHAPTER 4—PUERTO RICO \(§§ 731 – 916\)](#)

[CHAPTER 5—PHILIPPINE ISLANDS \(§§ 1001 – 1276\)](#)

[CHAPTER 6—CANAL ZONE \(§§ 1301 – 1384\)](#)

[CHAPTER 7—VIRGIN ISLANDS \(§§ 1391 – 1409m\)](#)

[CHAPTER 8—GUANO ISLANDS \(§§ 1411 – 1419\)](#)

[CHAPTER 8A—GUAM \(§§ 1421 – 1428e\)](#)

[CHAPTER 9—SAMOA, TUTUILA, MANUA, SWAINS ISLAND, AND TRUST TERRITORY OF THE PACIFIC ISLANDS \(§ 1431\)](#)

[CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE \(§§ 1451 – 1494c\)](#)

[CHAPTER 11—ALIEN OWNERS OF LAND \(§§ 1501 – 1509\)](#)

[CHAPTER 12—VIRGIN ISLANDS \[1954\] \(§§ – 1645\)](#)

[CHAPTER 13—EASTERN SAMOA \(§§ 1661 – 1670\)](#)

[CHAPTER 14—TRUST TERRITORY OF THE PACIFIC ISLANDS \(§§ 1681 – 1695\)](#)

[CHAPTER 15—CONVEYANCE OF SUBMERGED LANDS TO TERRITORIES \(§§ 1701 – 1708\)](#)

[CHAPTER 16—DELEGATES TO CONGRESS \(§§ 1711 – 1757\)](#)

[CHAPTER 17—NORTHERN MARIANA ISLANDS \(§§ 1801 – 1846\)](#)

[CHAPTER 18—MICRONESIA, MARSHALL ISLANDS, AND PALAU \(§§ 1901 – 1973\)](#)

[CHAPTER 19—PACIFIC POLICY REPORTS \(§§ 2001 – 2004\)](#)

[CHAPTER 20—PUERTO RICO OVERSIGHT, MANAGEMENT, AND ECONOMIC STABILITY \(§§ 2101 – 2241\)](#)

The United States also has distinctions in the specific context of the union States.

### **CALIFORNIA CONSTITUTION - CONS**

**ARTICLE III STATE OF CALIFORNIA [SEC. 1 - SEC. 9] ( Article 3 added Nov. 7, 1972, by Prop. 6. Res.Ch. 120, 1972. )**

**SEC. 1.** The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land.

(Sec. 1 added Nov. 7, 1972, by Prop. 6. Res.Ch. 120, 1972.)

SEC. 2. The boundaries of the State are those stated in the Constitution of 1849 as modified pursuant to statute. Sacramento is the capital of California.

(Sec. 2 added Nov. 7, 1972, by Prop. 6. Res.Ch. 120, 1972.)

[SOURCE:  
[https://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=III](https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=CONS&division=&title=&part=&chapter=&article=III)]

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United States Constitution  
Article 4, Section 3. Admission of New States; Property of United States  
Clause 1. Admission of New States to Union

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The second context is as a STATE OF STATE. The geography of the STATE OF STATE are the sum of federal enclaves within individual union States. The STATE OF STATE is operated by the same State Congress of the union State. In this capacity the STATE OF STATE acts in a corporate context.

## **5. PROOF THAT 8 U.S.C. §1401(b)-(h) “U.S.\* CITIZEN\*” STATUS IS A FRANCHISE STATUS THAT HAS NOTHING TO DO WITH YOUR DOMICILE**

The following subsections will prove that a political “U.S.\* citizen\*” or “national and citizen of the United States\* at birth” status found in 8 U.S.C. §1401(g)-(h), 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c) is a franchise status that has nothing to do with one’s domicile. As a franchisee, they are treated as officers of a corporation and “persons” under federal law, and thereby act as the equivalent of a corporation sole wholly owned by the U.S. government. The U.S. Supreme Court has already declared that turning citizens and residents into the equivalent of a “corporation sole” unconstitutional and thereby illegal:

*“But if the plain dictates of our senses be relied on, what state of facts have we exhibited here? 898\*898 **Making a person, makes a case**; and thus, a government which cannot exercise jurisdiction unless an alien or citizen of another State be a party, makes a party which is neither alien nor citizen, and then claims jurisdiction because it has made a case. **If this be true, why not make every citizen a corporation sole, and thus bring them all into the Courts of the United States quo minus? Nay, it is still worse, for there is not only an evasion of the constitution implied in this doctrine, but a positive power to violate it. Suppose every individual of this corporation were citizens of Ohio, or, as applicable to the other case, were citizens of Georgia, the United States could not give any one of them, individually, the right to sue a citizen of the same State in the Courts of the United States; then, on what principle could that right be communicated to them in a body? But the question is equally unanswerable, if any single member of the corporation is of the same State with the defendant, as has been repeatedly adjudged.**”*  
[Osborn v. Bank of U.S. , 22 U.S. 738 (1824);  
SOURCE: [http://scholar.google.com/scholar\\_case?case=15428760256043512250](http://scholar.google.com/scholar_case?case=15428760256043512250)]

If you would like to know more about the devious abuse of franchises to destroy your rights and break the chains of the Constitution that bind your public servants and protect your rights, see:

<p><i>Government Instituted Slavery Using Franchises</i>, Form #05.030 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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### **5.1 Background**

The biggest complaint most people have about the government is that it imposes mandatory obligations that appear to institute involuntary servitude. How do they do it without violating the Thirteenth Amendment prohibition on involuntary servitude

or the Fifth Amendment prohibition on taking PRIVATE property without compensation? This section will attempt to answer that question.

The “obligations” owed to the state by POLITICAL “citizens” (8 U.S.C. §1401) are spoken of in *Baker v. Keck*, 13 F.Supp. 486 (1936):

*"Citizenship and domicile are substantially synonymous. Residency and inhabitation are too often confused with the terms and have not the same significance. Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. *Harding v. Standard Oil Co. et al. (C.C.)*, 182 F. 421; *Baldwin v. Franks*, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; *Scott v. Sanford*, 19 How. 393, 476, 15 L.Ed. 691."*  
[*Baker v. Keck*, 13 F.Supp. 486 (1936)]

The above obligations are civil STATUTORY obligations. Yet the Thirteenth Amendment forbids involuntary servitude. The following series of facts is the ONLY thing that explains how these statutes can impose DUTIES or obligations against those who are STATUTORY POLITICAL citizens\* WITHOUT violating the Thirteenth Amendment:

1. There are, in fact, two capacities in which every human can act: PUBLIC and PRIVATE. Here is a maxim of law on the subject:

*"Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.*  
*When two rights [PUBLIC right v. PRIVATE right] concur in one person, it is the same as if they were two separate persons. 4 Co. 118.*  
*[Bouvier's Maxims of Law, 1856;*  
*SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]*

2. Consent of the PRIVATE human being is required to FILL said PUBLIC office.
  - 2.1. The only way anything PUBLIC can attach to otherwise PRIVATE property is WITH the EXPRESS CONSENT of the OWNER of that property. Otherwise there has been an unconstitutional Fifth Amendment taking.
  - 2.2. When we refer to the method of connecting humans to government/public offices, we simply say that the PUBLIC (office) and the PRIVATE (human) cannot be connected together and thereby become an object of legislation WITHOUT the CONSENT of the human that is BEING connected. That connection, in fact is called the “res” or “thing” that is the only thing Congress can legislate against.

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

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

- 2.3. If the PUBLIC and PRIVATE never get connected, the PUBLIC OFFICE is civilly dead and constitutes an abandoned estate.
  - 2.4. Remember: All just powers of the government derive from CONSENT. The implication is that anything not traceable BACK to consent is inherently UNJUST, UNCONSTITUTIONAL, and ILLEGAL.
3. ALL the powers of the government, including its authority to enact civil laws imposing an obligation upon you, depend EITHER on a public office or a contract made with otherwise PRIVATE people. Since the average American has no contracts with the national government, then the ONLY way for the obligations of BEING a STATUTORY “citizen” can attach is through a public office called “U.S.\*\* citizen” or “citizen of the United States\*\*”.

1 "A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he  
2 administer or execute them."<sup>38</sup>  
3 [United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]

4 "All the powers of the government [including ALL of its civil enforcement powers against the public] must be  
5 carried into operation by individual agency, either through the medium of public officers, or contracts made  
6 with [private] individuals."  
7 [Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

8 Those who disagree with the assertion in this step are asked simply to prove HOW a person can "obey" or be the  
9 "subject" of a specific statute WITHOUT "executing" it as indicated above? The answer is that it is IMPOSSIBLE!  
10 4. The statutory obligations must attach to a PUBLIC office and privilege called "U.S.\*\* citizen\*" and not to the  
11 PRIVATE human being FILLING said office.

12 **"Finally, this Court is mindful of the years of past practice in which territorial citizenship has**  
13 **been treated as a statutory [PRIVILEGE!], and not a constitutional, right.**  
14 **In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana**  
15 **Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the**  
16 **United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright**  
17 **citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding**  
18 **practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being**  
19 **set aside.** See, e.g., *Jackman v. Rosenbaum Co.*, 260 U.S. 22, 31 (1922) (Holmes, J.) ("If a thing has been practiced  
20 for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect  
21 it[.]" ); *Waltz v. Tax Comm'n*, 397 U.S. 664, 678 (1970) ("It is obviously correct that no one acquires a vested or  
22 protected right in violation of the Constitution by long use . . . . Yet an unbroken practice . . . is not something to  
23 be lightly cast aside."). And while Congress cannot take away the citizenship of individuals covered by the  
24 Citizenship Clause, it can bestow citizenship upon those not within the Constitution's breadth. See U.S. Const,  
25 art. IV, § 3, cl. 2 ("Congress shall have Power to dispose of and make all needful Rules and Regulations respecting  
26 the Territory belonging to the United States[\*\*]"); id. at art. I, § 8, cl. 4 (Congress may "establish a uniform  
27 Rule of Naturalization . . ."). To date, Congress has not seen fit to bestow birthright citizenship upon American  
28 Samoa, and in accordance with the law, this Court must and will respect that choice.<sup>16</sup>  
29 [Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

- 30 5. "Citizenship" must be voluntary, because the Thirteenth Amendment outlaws INVOLUNTARY servitude  
31 EVERYWHERE, including federal territory. Certainly, being compelled to occupy a PUBLIC OFFICE in the  
32 government would qualify as unconstitutional involuntary servitude.  
33 6. When a public office is associated with a specific person, it is called "citizenship" by the courts.  
34 7. Those who refuse the public office called STATUTORY "U.S.\*\* citizen\*":  
35 7.1. Are called "nonresidents" and are NOT protected by the civil statutory law.  
36 7.2. Lack STATUTORY diversity of citizenship no matter WHERE they are domiciled, under 28 U.S.C. §1332.  
37 7.3. Can ONLY invoke CONSTITUTIONAL diversity of citizenship under Article III, Section 2.  
38 7.4. Have a civil domicile on geographic territory and are NOT subject to civil statutory law.  
39 7.5. Cannot lawfully have the choice of law switched to federal territory because they are not within the  
40 STATUTORY geographical "United States" under 26 U.S.C. §7701(a)(9) and (a)(10).  
41 8. You must declare yourself to BE a STATUTORY POLITICAL "citizen\*" (8 U.S.C. §1401, born on federal territory)  
42 in order to invoke the PRIVILEGES of the PUBLIC office.  
43 9. Federal territory is NOT protected by the Constitution or the Bill of Rights:

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

the inhabitants should be entitled to enjoy the right of trial by jury, of bail, and of the privilege of the writ of habeas corpus, as well as other privileges of the bill of rights."  
[Downes v. Bidwell, 182 U.S. 244 (1901)]

10. STATUTORY POLITICAL citizens\* (8 U.S.C. §1401, born on federal territory), by definition, are both domiciled on federal territory AND present there, and hence HAVE no constitutional rights. Otherwise, they wouldn't BE STATUTORY citizens but rather "stateless persons" and "nonresidents". You can't have a CIVIL STATUS in a place unless you are DOMICILED there.
11. Those who invoke the congressionally granted statutory PRIVILEGES of the PUBLIC OFFICE, meaning those who are STATUTORY POLITICAL "citizens\*" (8 U.S.C. §1401, born on federal territory) are not covered by the Thirteenth Amendment or the legal obligations imposed upon them would be unconstitutional.
  - 11.1. If these STATUTORY POLITICAL "U.S. \*\* citizens\*" aren't protected by the Thirteenth Amendment, then they must NOT be protected by ANY part of the REST of the Bill of Rights either!
  - 11.2. The question then becomes: why would ANYONE want to be a STATUTORY POLITICAL citizen\* if they are not protected by the Constitution and have no CONSTITUTIONAL rights? The answer is that they are AN IDIOT!
12. Do you REALLY have to give up ALL your constitutional rights to become a STATUTORY POLITICAL citizen\*? The answer is YES! Here is what one court said on that subject:

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

Notice based on the above, that the power of the government to control and regulate you REQUIRES that you FIRST VOLUNTEER to become a STATUTORY POLITICAL "citizen\*". Otherwise you would be EXCLUSIVELY PRIVATE and beyond their control. If you don't want to be controlled or regulated then don't volunteer to become a citizen and instead be a "non-resident non-person" protected ONLY by the common law and the Constitution.

"Under these powers the government regulates the conduct of its citizens one towards another, and the manner in which each shall use his own property, when such regulation becomes necessary for the public good."  
[Munn v. Illinois, 94 U.S. 113 (1876),  
SOURCE: [http://scholar.google.com/scholar\\_case?case=6419197193322400931](http://scholar.google.com/scholar_case?case=6419197193322400931)]

"...we are of the opinion that there is a clear distinction in this particular between an [PRIVATE] individual and a [PUBLIC] corporation, and that the latter has no right to refuse to submit its books and papers for an examination at the suit of the state. The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the



Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights.

“Upon the other hand, the [PUBLIC] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises, and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to [201 U.S. 43, 75] act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers. It would be a strange anomaly to hold that a state, having chartered a corporation to make use of certain franchises, could not, in the exercise of its sovereignty, inquire how these franchises had been employed, and whether they had been abused, and demand the production of the corporate books and papers for that purpose. The defense amounts to this: That an officer of a corporation which is charged with a criminal violation of the statute, may plead the criminality of such corporation as a refusal to produce its books. To state this proposition is to answer it. While an individual may lawfully refuse to answer incriminating questions unless protected by an immunity statute, it does not follow that a corporation, vested with special privileges and franchises, may refuse to show its hand when charged with an abuse of such privileges. “  
[Hale v. Henkel, 201 U.S. 43 (1906)]

13. The U.S. Supreme Court also confirmed that PUBLIC officers of the national government such as STATUTORY POLITICAL “U.S.\*\* citizens\*” (8 U.S.C. §1401, born on federal territory) have no constitutional rights, when it held:

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

14. These same STATUTORY POLITICAL “U.S.\*\* citizens\*” MUST be public officers, because when they serve on jury duty, they are identified in statutes as said officers, and they CAN'T serve on jury duty in federal court WITHOUT being STATUTORY “U.S. citizens” WITH a domicile on federal territory NOT within any state of the Union.

TITLE 18 > PART I > CHAPTER 11 > § 201  
§ 201. Bribery of public officials and witnesses

(a) For the purpose of this section—

(1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

So WHERE did the above public office come from: the JUROR status or the STATUTORY POLITICAL “U.S.\*\* citizen\*” status that is the PREREQUISITE for BEING a juror? We think it came from the STATUTORY POLITICAL “U.S.\*\* citizen\*” status and that jury service, like voting, is a PUBLIC PRIVILEGE and a PUBLIC FRANCHISE rather than a PRIVATE RIGHT that can be lawfully exercised ONLY by a public officer in the government. All franchises presume the actors are public officers.

“Long ago in Yick Wo v. Hopkins, 118 U.S. 356, 370, 6 S.Ct. 1064, 1071, 30 L.Ed. 220 the Court referred to 'the political franchise of voting' as a 'fundamental political right, because preservative of all rights.' Recently in Reynolds v. Sims, 377 U.S. 533, 561—562, 84 S.Ct. 1362, 1381, 12 L.Ed.2d. 506, we said, 'Undoubtedly, the right of suffrage is a fundamental matter in a free and democratic society. Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights, any alleged

1 infringement of the right of citizens to vote must be carefully and meticulously scrutinized.' There we were  
2 considering charges that voters in one part of the State had greater representation per person in the State  
3 Legislature than voters in another part of the State. We concluded:

4 'A citizen, a qualified voter, is no more nor no less so because he lives in the city or on the farm. This is the clear  
5 and strong command of our Constitution's Equal Protection Clause. This is an essential part of the concept of a  
6 government of laws and not men. This is at the heart of Lincoln's vision of 'government of the people, by the  
7 people, (and) for the people.' The Equal Protection Clause demands no less than substantially equal state  
8 legislative representation for all citizens, of all places as well as of all races.' *Id.*, at 568, 84 S.Ct. at 1385."  
9 [*Harper v. Virginia State Board of Elections* Butts v. Harrison, 383 U.S. 663, 86 S.Ct. 1079, 16 L.Ed.2d. 169,  
10 1965 WL 130114 (1966)]

11  
12 "The National Government and the States may not deny or abridge the right to vote on account of race. The  
13 Amendment reaffirms the equality of races at the most basic level of the democratic process, the exercise of  
14 the voting franchise. It protects all persons, not just members of a particular race. Important precedents give  
15 instruction in the instant case. The Amendment was quite sufficient to invalidate a grandfather clause that did not  
16 mention race but instead used ancestry in an attempt to confine and restrict the voting franchise. *Guinn v. United*  
17 *States*, 238 U.S. 347, 364 365; and it sufficed to strike down the white primary systems designed to exclude one  
18 racial class (at least) from voting. see, e.g., *Terry v. Adams*, 345 U.S. 461, 469 470."  
19 [*Rice v. Cayetano*, 528 U.S. 495, 120 S.Ct. 1044, 145 L.Ed.2d. 1007 (2000)]

20  
21 "...there are some matters so related to state sovereignty that, even though they are important rights of a resident  
22 of that state, discrimination against a nonresident is permitted. <sup>39</sup> These privileges which states give only to  
23 their own residents are not secured to residents of other states by the Federal Constitution. Included are such  
24 matters as the elective franchise, the right to sit upon juries, and the right to hold public office. The reasons  
25 are obvious. If a state were to entrust the elective franchise to residents of another state, its sovereignty would  
26 not rest upon the will of its own citizens; and if it permitted its offices to be filled and their functions to be exercised  
27 by persons from other states, the state citizens to that extent would not enjoy the right of self-government. <sup>40</sup> here  
28 are also numerous privileges that may be accorded by a state to its own people in which citizens of other states  
29 may not participate except in conformity to such reasonable regulations as may be established by the state. <sup>41</sup>  
30 For instance, a state cannot forbid citizens of other states to sue in its courts, that right being enjoyed by its own  
31 people; but it may require a nonresident, although a citizen of another state, to give a bond for costs, although  
32 such bond is not required of a resident. <sup>42</sup> A statute restricting the right to carry a concealed weapon to state  
33 residents does not violate the Privileges and Immunities Clause of the Fourteenth Amendment; the factor of  
34 residence has a legitimate connection with the statute, since substantial danger to the public interest would be  
35 caused by an unrestricted flow of dangerous weapons into and through the state. <sup>43</sup> "  
36 [16B American Jurisprudence 2d, Constitutional law, §751: State citizenship and its privileges (1999)]

## 37 **5.2 All 8 U.S.C. §1401(b)-(h) "U.S.\* citizens\*" are naturalized aliens whose nationality is a revocable taxable** 38 **privilege**

39 It may surprise the reader to learn that all POLITICAL "U.S.\*\* citizens\*" under 8 U.S.C. §1401 are naturalized aliens born,  
40 collectively naturalized, or collectively NATIONALIZED ("U.S.\*\* national") in a federal territory or possession not within  
41 a constitutional state. This section will establish that fact.

42 In order to be a privilege and therefore taxable, statutory POLITICAL "U.S.\* citizen\*" status under 8 U.S.C. §1401 must:

- 43 1. Be unilaterally revocable by the government without the consent of the person holding it. Anything that is revocable is  
44 public property loaned temporarily to the recipient with legal strings attached. All franchises are temporary loans of  
45 public property.<sup>44</sup> In order to be revocable, the status must ALSO initially be granted by the same entity that revokes it.

<sup>39</sup> *Presser v. People of State of Ill.*, 116 U.S. 252, 6 S.Ct. 580, 29 L.Ed. 615 (1886); *Schulz v. New York State Executive*, Pataki, 960 F.Supp. 568 (N.D.N.Y. 1997).

<sup>40</sup> *Steed v. Harvey*, 18 Utah 367, 54 P. 1011 (1898).

<sup>41</sup> *Duehay v. Acacia Mut. Life Ins. Co.*, 105 F.2d 768, 124 A.L.R. 1268 (App.D.C D.C. Cir. 1939).

<sup>42</sup> *Blake v. McClung*, 172 U.S. 239, 19 S.Ct. 165, 43 L.Ed. 432 (1898).

<sup>43</sup> *Application of Ware*, 474 A.2d. 131 (Del. 1984).

<sup>44</sup> See: *Government Instituted Slavery Using Franchises*, Form #05.030.

- 1 2. Be created and granted ONLY by statute. The grant of the privilege occurs in 8 U.S.C. §§1401-1409.
- 2 3. Not be granted by the Constitution such that Congress, rather than the Sovereign People created the public right. The
- 3 CREATOR of a right is always the OWNER.<sup>45</sup> The constitution confers POLITICAL citizenship by birth or
- 4 naturalization, but only in the case of those born in constitutional states. It requires no statute (such as 8 U.S.C. §1401)
- 5 to acquire the “force of law”. For everyone else, such as those born in territories or abroad, 8 U.S.C. §§1401-1409 is the
- 6 only authority or grant of the privilege of CIVIL citizenship. The following case establishes that rights created by the
- 7 Constitution do not NEED statutes, which indirectly admits that STATUTORY privileges and CONSTITUTIONAL
- 8 rights are mutually exclusive in most cases:

9 “Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as

10 a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico,

11 Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their

12 inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the

13 Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have

14 been unnecessary.”

15 [Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]

16 In order to establish that a statutory POLITICAL “national and citizen\* of the United States [\*\*] at birth” under 8 U.S.C.

17 §1401(b)-(h) is a revocable and taxable privilege, we need only establish statutory authority to REVOKE it to begin with.

18 That authority is found in 8 U.S.C. §1401(g) and is described at length in Rogers v. Bellei, 401 U.S. 815 (1971).

19 8 U.S. Code § 1401 - Nationals and citizens of United States at birth

20 (g) a person born outside the geographical limits of the United States and its outlying possessions of parents one

21 of whom is an alien, and the other a citizen of the United States who, prior to the birth of such person, was

22 physically present in the United States or its outlying possessions for a period or periods totaling not less than

23 five years, at least two of which were after attaining the age of fourteen years: Provided, That any periods of

24 honorable service in the Armed Forces of the United States, or periods of employment with the United States

25 Government or with an international organization as that term is defined in [section 288 of title 22](#) by such citizen

26 parent, or any periods during which such citizen parent is physically present abroad as the dependent unmarried

27 son or daughter and a member of the household of a person (A) honorably serving with the Armed Forces of the

28 United States, or (B) employed by the United States Government or an international organization as defined in

29 [section 288 of title 22](#), may be included in order to satisfy the physical-presence requirement of this paragraph.

30 This proviso shall be applicable to persons born on or after December 24, 1952, to the same extent as if it had

31 become effective in its present form on that date; and

32 The Rogers v. Bellei case mentioned above hinged on the loss of 8 U.S.C. §1401 citizenship by Bellei because he had not

33 met the residence requirements found in 8 U.S.C. §1401(g).

34 The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei

35 [an 8 U.S.C. §1401 STATUTORY citizen]. The Court first notes that Afroyim was essentially a case construing

36 the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons

37 born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*,' the Court reasons that the

38 protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only

39 those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so

40 he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy

41 as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence,

42 falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this

43 a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. While

44 conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-

45 first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not

46 barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects

47 the citizenship of some Americans and not others. [ . . . ]

48 The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional

49 action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'

50 The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view

51 of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen,

52 and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond

53 the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground

54 that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-

<sup>45</sup> See: Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian Fellowship;  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>.

conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[...]

Since the Court this Term has already downgraded citizens receiving public welfare, *Wyman v. James*, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, *Labine v. Vincent*, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in *James* and *Labine*, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.  
[*Rogers v. Bellei*, 401 U.S. 815 (1971)]

In a like fashion, those born in unincorporated territories that were later emancipated to become independent nations must LOSE their “U.S.\* citizen\*” status and/or nationality by necessity. With these two examples, we have demonstrated that congressionally granted “U.S.\* citizen\*” political status under 8 U.S.C. §1401 is revocable and therefore a FRANCHISE PRIVILEGE rather than a RIGHT. Because this type of citizenship is revocable and a franchise, it is subject to regulation and/or taxation.

CONSTITUTIONAL POLITICAL citizenship, on the other hand, is NOT revocable and therefore is a right and a PRIVATE right not subject to regulation or taxation.

“The entire legislative history of the 1868 Act makes it abundantly clear that there was a strong feeling in the Congress that the only way the citizenship it conferred could be lost was by the voluntary renunciation or abandonment by the citizen himself. And this was the unequivocal statement of the Court in the case of *United States v. Wong Kim Ark*.”  
[*Afroyim v. Rusk*, 387 U.S. 253, 87 S.Ct. 1660 (1967)]

The ability to assign NATIONALITY and citizen\* status to territories once acquired derives from Congress’ power of naturalization, or more particularly COLLECTIVE naturalization:

“Constitutionally, only those born or naturalized in the United States and subject to the jurisdiction thereof, are citizens. *Const.Amdt. XIV. The power to fix and determine the rules of naturalization is vested in the Congress. Const.Art. I, sec. 8, cl. 4. Since all persons born outside of the United States, are “foreigners,”<sup>46</sup> and not subject to the jurisdiction of the United States, the statutes, such as § 1993 and 8 U.S.C.A. §601, derive their validity from the naturalization power of the Congress. *Elk v. Wilkins*, 1884, 112 U.S. 94, 101, 5 S.Ct. 41, 28 L.Ed. 643; *Wong Kim Ark v. U. S.*, 1898, 169 U.S. 649, 702, 18 S.Ct. 456, 42 L.Ed. 890. Persons in whom citizenship is vested by such statutes are naturalized citizens and not native-born citizens. *Zimmer v. Acheson*, 10 Cir. 1951, 191 F.2d. 209, 211; *Wong Kim Ark v. U. S.*, *supra*.”  
[*Ly Shew v. Acheson*, 110 F.Supp. 50 (N.D. Cal., 1953)]*

8 U.S.C. §601 above was repealed in 1952. It refers to what is now 8 U.S.C. §1401 “nationals and citizens of the United States\*\* at birth”, not Constitutional “citizens of the United States”. For details, see the notes:

<https://www.law.cornell.edu/uscode/text/8/601>

NOTE: Natural born state nationals are NOT “naturalized”. Hence, they do NOT fall under 8 U.S.C. §1401(b)-(h). STATUTORY naturalization is REVOCABLE, and hence the status of “national and citizen of the United States\* at birth” under 8 U.S.C. §1401(b)-(h) is a STATUTORY PRIVILEGE, and not a CONSTITUTIONAL RIGHT, which applies only to those subject to the laws of the national congress and effectively domiciled on federal territory wherever physically situated.

When a territory is emancipated and its inhabitants are “nationals and citizens\* of the United States\*\* at birth” under 8 U.S.C. §1401, its inhabitants must be DENATURALIZED by an act of Congress to become aliens. This type of legislative activity is called “collective denaturalization”. If that former territory remained unincorporated such as the Philippines, then its inhabitants are “nationals” but not “citizens” under 8 U.S.C. §1408 rather than statutory “U.S. citizens” per 8 U.S.C. §1401. There aren’t a lot of examples of collective denaturalization in the history of our country, but the ruling below alludes to this power:

<sup>46</sup> See *Boyd v. State of Nebraska ex rel. Thayer*, 1892, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103; *U.S. v. Harbanuk*, 2 Cir. 1933, 62 F.2d. 759, 761.

Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act was not tantamount to a "collective denaturalization" as petitioner contends. See Afroyim v. Rusk, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (holding that Congress has no authority to revoke United States citizenship). Philippine "nationals" of the United States were not naturalized United States citizens. See Manlangit v. INS, 488 F.2d. 1073, 1074 (4th Cir.1973) (holding that Afroyim addressed the rights of a naturalized American [CONSTITUTIONAL] citizen and therefore does not stand as a bar to Congress' authority to revoke the non-citizen, "national" status of the Philippine inhabitants).  
[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

People of the Philippines were therefore “COLLECTIVELY NATIONALIZED” rather than “COLLECTIVELY NATURALIZED” because according to the above, they were not “U.S.\*\* citizens\*”. Note that 8 U.S.C. §1401 comes under 8 U.S.C. Part 1: Nationality at Birth and Collective Naturalization.

8 U.S. Code Part I - Nationality at Birth and Collective Naturalization

SOURCE: <https://www.law.cornell.edu/uscode/text/8/chapter-12/subchapter-III/part-I>

The presumption is therefore firmly established that all those enjoying the type of citizenship in the above part, including “U.S.\*\* citizens\*” defined in 8 U.S.C. §1401 acquired either their NATIONALITY or their “CITIZEN\*” status from COLLECTIVE NATIONALIZATION in the case of possessions or COLLECTIVE NATURALIZATION in the case of territories.

Puerto Ricans are “U.S.\*\* citizens\*” and their territory remains unincorporated. If they were emancipated, they would all have to be “collectively denaturalized” by an act of Congress. As such, their citizenship is a PRIVILEGE and not a RIGHT that is subject to taxation:

“The people of Puerto Rico were collectively naturalized by the Jones Act of 1917, ch. 145, § 5, 39 Stat. 951 (1917) (current version codified at 8 U.S.C. §1402). The people of Guam became citizens of the United States by virtue of the Organic Act of Guam, ch. 512, § 4, 64 Stat. 384 (1950) (current version codified at 8 U.S.C. §1407).”  
[Jose Napoleon Marquez-Almanzar v. INS, 418 F.3d. 210 (2005)]

The IRS Website also confirms that a “U.S.\*\* citizen\*” is a naturalized alien:

#### **U.S. Citizen**

1. An individual born in the United States [federal territory].

2. An individual whose parent is a U.S. citizen.\*

**3. A former alien who has been naturalized as a U.S. citizen**

**4. An individual born in Puerto Rico.**

**5. An individual born in Guam.**

**6. An individual born in the U.S. Virgin Islands.**

[Immigration Terms and Definitions Involving Aliens, IRS Website;

<https://www.irs.gov/individuals/international-taxpayers/immigration-terms-and-definitions-involving-aliens>

Note that CONSTITUTIONAL states of the Union are NOT listed above. Note also that the STATUTORY CIVIL “individual” referenced above is defined by statute as being ONLY an “alien” or “nonresident alien” in 26 C.F.R. §1.1441-1(c)(3). Hence, EVERYONE in the above list is an ALIEN and the list does not include state citizens or state nationals. ONLY by going abroad can the “U.S.\*\* citizen\*” mentioned in 26 U.S.C. §911 become a STATUTORY “individual” and therefore an “alien” under a tax treaty with the foreign country that he or she is in.

[26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

#### **(c ) Definitions**

##### **(3) Individual.**

(i) Alien individual.

*The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).*

(ii) Nonresident alien individual.



The term nonresident alien individual means persons described in section 7701(b)(1)(B), alien individuals who are treated as nonresident aliens pursuant to § 301.7701(b)-7 of this chapter for purposes of computing their U.S. tax liability, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under § 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013(g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.

**“No provision of the Internal Revenue Code or the regulations thereunder holds that a citizen of the United States is a resident of the United States for purposes of its tax.** Several sections of the Code provide Federal income tax relief or benefits to citizens of the United States who are residents without the United States for some specified period. See sections 911, 934, and 981. These sections give recognition to the fact that not all the citizens of the United States are residents of the United States.”  
[IRS Revenue Rule 75-489]

Section 1 of the Internal Revenue Code imposes the income tax upon CIVIL “citizens\*\*+D of the United States[\*\*\*\*, corporation not geography] wherever resident”, meaning wherever they ARE DOMICILED “residents”, meaning ALIENS per 26 U.S.C. §7701(b)(1)(A).

26 C.F.R. §1.1-1 - Income tax on individuals.

§ 1.1-1 Income tax on individuals.

(a)General rule.

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

That means the “citizen\*\*+D of the United States\*\*\*\*” mentioned is a naturalized alien who is abroad under 26 U.S.C. §911 and who is receiving the excise taxable “benefits” of the protection of a tax treaty with the foreign country they are in. They interface to the Internal Revenue Code as “aliens” under that treaty, which is why both “residents” and “citizens” are grouped TOGETHER in 26 U.S.C. §911: They are BOTH aliens in respect to the national government under the tax treaty. This is an implementation of what is called the Ejusdem Generis Rule:

**“Ejusdem generis.** Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the “ejusdem generis rule” is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.

Under “ejusdem generis” canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696.”  
[Black’s Law Dictionary, Sixth Edition, p. 517]

### **5.3 “national and citizen of the United States\*\* at birth” in 8 U.S.C. §1401 is a PUBLIC PRIVILEGE, not a PRIVATE RIGHT**

Many people wrongfully presume that “national and citizen\* of the United States\*\*” described in 8 U.S.C. §1401 governs the rules for extending POLITICAL citizenship. This is not true because:

1. Citizenship within 8 U.S.C. §1401 is a PRIVILEGE/FRANCHISE, rather than a CONSTITUTIONAL right.

**“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right.** In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. **If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary.”**

2. The PUBLIC PRIVILEGE is revocable. PRIVATE rights are NOT revocable except by express consent of the owner while NOT on land protected by the Constitution. PUBLIC rights ARE revocable.
  - 2.1. Afroyim v. Rusk, 387 U.S. 253, 87 S.Ct. 1660, 18 L.Ed.2d. 757 (1967) declared that POLITICAL citizenship was NOT revocable without the consent of the citizen.
  - 2.2. Rogers v. Bellei, 401 U.S. 815 (1971) declared that citizenship under 8 U.S.C. §1401 IS revocable at the whim of Congress.

**"The Court today holds that Congress can indeed rob a citizen of his citizenship just so long as five members of this Court can satisfy themselves that the congressional action was not 'unreasonable, arbitrary,' ante, at 831; 'misplaced or arbitrary,' ante, at 832; or 'irrational or arbitrary or unfair,' ante, at 833.** My first comment is that not one of these 'tests' appears in the Constitution. Moreover, it seems a little strange to find such 'tests' as these announced in an opinion which condemns the earlier decisions it overrules for their resort to clichés, which it describes as 'too handy and too easy, and, like most clichés, can be misleading'. Ante, at 835. That description precisely fits those words and clauses which the majority uses, but which the Constitution does not.

The Constitution, written for the ages, cannot rise and fall with this Court's passing notions of what is 'fair,' or 'reasonable,' or 'arbitrary.'

[...]

**The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei.** The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*,' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about.

**While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.'** Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.**

[...]

**The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'** **The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.'** **Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.'** **The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.**

[...]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. **Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.**  
[Rogers v. Bellei, 401 U.S. 815 (1971)]

3. Like all other government granted franchises, the effective domicile or residence of those participating is federal territory. The geographical place within which it can be granted does not expressly include constitutional states of the Union and therefore purposefully excludes them. The statutory term “State”, “United States”, and “continental United States” defined in Title 8 of the U.S. Code EXCLUDE constitutional states. The “United States” definition came from the Immigration and Nationality Act of 1940, before Alaska and Hawaii became CONSTITUTIONAL states, and they never bothered to go back and change it, even though it needs to be changed. However, the definitions in 8 C.F.R. §215.1 were published AFTER Alaska and Hawaii became CONSTITUTIONAL states and are more accurate.

8 C.F.R. §215.1(f)

[Section 215.1: Definitions](#)

(f) The term **continental United States** means the District of Columbia and the several [States](#), except Alaska and Hawaii.

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[8 U.S.C. §1101 Definitions](#)

(a) As used in this chapter—

(36) State [naturalization]

The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[\*\*].

(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the [continental United States](#), Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

In summary, the CREATOR of the right establishes who the OWNER of the right is. 8 U.S.C. §1401(b)-(h) is a statutory privilege created and granted by Congress. It is a FRANCHISE and a PUBLIC right, not a PRIVATE right. The “citizen” status it created was NOT created by the Constitution or even the Fourteenth Amendment. All POLITICAL statuses granted by the Constitution are PRIVATE. All statuses granted by Congressional enactment are PUBLIC, franchises, and PRIVILEGES. Hence, the 8 U.S.C. §1401(b)-(h) “national and citizen of the United States\*\* at birth” is a PUBLIC right rather than a PRIVATE right and continues to be property loaned to the “benefit” recipient which can be revoked at any time.

*“The rich rules over the poor,  
And **the borrower is servant [SUBJECT] to the lender.**”  
[Prov. 22:7, Bible, NKJV]*

Anyone accepting the “benefits” of this privilege has to suffer all the disabilities that go with invoking or using it, including its complete revocation as documented in 8 U.S.C. §1481(a). There are therefore, in fact and in deed, MULTIPLE classes of “citizens” in our country in SPITE of the following FRAUDULENT holding:

9. *Classes of citizens--Generally*

*In regard to the protection of our citizens in their rights at home and abroad, we have in the United States no law which divides them into classes or makes any difference whatever between them. 1859, 9 Op.Atty.Gen. 357.  
[8 U.S.C.A. §1401 (2009), p. 18]*

You are a SECOND CLASS citizen under legal disability if you use, benefit from, or invoke any Congressionally created status, public right, privilege, or franchise, INCLUDING “national and citizen of the United States\*\* at birth” in 8 U.S.C. §1401. The government is SCHIZOPHRENIC to state in 8 U.S.C.A. §1401 that there are not multiple classes of citizens, and then turn around and treat any one citizen different than any other as they did above in *Rogers v. Bellei*, 401 U.S. 815 (1971). Earth calling the U.S. Supreme Court! George Orwell called this kind of deception “doublethink”:

*“**Doublethink** is the act of ordinary people simultaneously accepting two mutually contradictory beliefs as correct, often in distinct [social contexts](#).<sup>[1]</sup> Doublethink is related to, but differs from, [hypocrisy](#) and [neutrality](#). Somewhat related but almost the opposite is [cognitive dissonance](#), where contradictory beliefs cause conflict in one's mind. Doublethink is notable due to a lack of cognitive dissonance — thus the person is completely unaware of any conflict or contradiction.”  
[Wikipedia: Doublethink, Downloaded 6/14/2014]*

The U.S. Supreme Court in Bellei was engaging in doublethink because they either ignored the facts presented here or are willfully concealing their knowledge of them. Either way, whether through omission or malicious commission, they are a threat to your liberty and freedom. The foundation of your freedom is absolute equality, and yet they refuse to treat all “citizens” equally. Anyone in receipt of any government franchise privilege is, by definition, NOT equal to the government grantor and instead is a slave and chattel of the government grantor.

“No duty rests more imperatively upon the courts than the enforcement of those constitutional provisions intended to secure that equality of rights which is the foundation of free government.”

[Gulf, C. & S. F. R. Co. v. Ellis, [165 U.S. 150](#) (1897) ]

“[l]aw . . . must be not a special rule for a particular person or a particular case, but. . . the general law . . . so that every citizen shall hold his life, liberty, property and immunities under the protection of the general rules which govern society.”

[Hurtado v. California, 110 U.S. 516, 535-536 (1884)]

Therefore, Title 8 is not “law” as defined above in Hurtado v. California, but a voluntary civil compact and civil franchise that the U.S. Supreme Court called “class legislation” in Pollock v. Farmers Loan and Trust, 157 U.S. 429. Title 8 would have to treat ALL “citizens” absolutely equally to be REAL “law”. As we explain later in section 18.4, you don’t need to invoke 8 U.S.C. §1401(b)-(h) to attain POLITICAL citizenship and those who do are state-worshipping idolaters. Any attempt to treat anyone unequally under the civil law or subject them to any legal disability is an exercise in idolatry, where the grantor of the privilege, who is always the one with superior or “supernatural” rights or privileges, is always the thing being “worshipped”.

The goal of all collectivists is to abuse [civil franchises](#) as a means to create, protect, or perpetuate INEQUALITY and class legislation, and then to use the inequality to persecute, plunder, or enslave the very people that they are supposed to be protecting by treating them equally. By “equally”, we mean equality between the governed and the government in court and no sovereign immunity by the government. For more about how collectivism abuses franchises to enslave all and make itself the owner and controller of EVERYTHING, see:

Collectivism and How to Resist It Course, Form #12.024  
<http://sedm.org/Forms/FormIndex.htm>

#### **5.4 When are DOMICILED Citizens\*\*+D liable for tax?: Only when they are privileged “residents” abroad and not in a constitutional state**

The I.R.C. Subtitle A income tax is imposed upon “citizens” only when they ALSO “RESIDENT” in the place they earn the statutory “income”.

26 C.F.R. §1.1-1 Income tax on individuals.

##### **(a) General rule.**

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

[. . .]

##### **(b) Citizens or residents of the United States liable to tax.**

In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the income taxes imposed by the Code whether the income is received from sources within or without the United States. Pursuant to section 876, a nonresident alien individual who is a bona fide resident of a section 931 possession (as defined in §1.931-1(c)(1) of this chapter) or Puerto Rico during the entire taxable year is, except as provided in section 931 or 933 with respect to income from sources within such possessions, subject to taxation in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections 871 and 877.

[26 C.F.R. §1.1-1(a)(1)]

The statutory term “individual” includes ONLY “aliens” and “nonresident aliens” but not statutory “citizens. Therefore, a “citizen” only becomes an “individual” when they are an “alien” or “nonresident alien”:

[26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

**(c ) Definitions**

**(3) Individual.**

**(i) Alien individual.**

***The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).***

**(ii) Nonresident alien individual.**

*The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S. [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this chapter](#). An alien individual who has made an [election](#) under section 6013(g) or [\(h\)](#) to be treated as a resident of the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under chapter 3 of the Code and the regulations thereunder.*

We must then ask ourselves WHEN can a statutory political “citizen\*” (under 8 U.S.C. §1401 and identified in 26 C.F.R. §1.1-1(c)) ALSO be statutory “resident” in the same place at the same time, keeping in mind that a “resident” is an ALIEN domiciled in a place under the law of nations:

***“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their [intention of] dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizenship. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”***  
***[The Law of Nations, p. 87, E. De Vattel, Volume Three, 1758, Carnegie Institution of Washington; emphasis added.]***

26 C.F.R. §1.1-1(b) disproves the assertion that everything a person domiciled in any of the 50 states makes is statutory “income” subject to tax, when it states that “All citizens of the United States, ***wherever resident,***” are liable to tax. This is because:

1. One cannot be a statutory “resident” without ALSO being a statutory “alien”. See 26 U.S.C. §7701(b)(1)(A).
2. “residence” is ONLY defined in the I.R.C. to include statutory “aliens” and NOT “citizens”. Nowhere is it defined to include “citizens”. Therefore, a “citizen” cannot have a “residence” or be “resident” in a place without being a statutory alien in relation to that place.

Title 26: Internal Revenue  
[PART 1—INCOME TAXES](#)  
[nonresident alien individuals](#)  
[§ 1.871-2 Determining residence of alien individuals.](#)

**(b) Residence defined.**

*An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. **Whether he is a transient is determined by his intentions with regard to the length and nature of his stay.** A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. **One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident,** though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is*



limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

3. One cannot simultaneously be a statutory “citizen” and a statutory “alien” in relation to the same political entity at the same time. Therefore:
  - 3.1. More than one political entity must be involved AND
  - 3.2. Those who are simultaneously “citizens” and “aliens” must be outside the country and in a legislatively foreign country.
4. One cannot have a civil status under the civil statutes of a place such as “citizen\*\*+D” or “resident” WITHOUT a DOMICILE in that place.
  - 4.1. This includes statutory political “citizen\*” or statutory “resident”.
  - 4.2. This is a requirement of Federal Rule of Civil Procedure 17 and the law of domicile itself.

#### § 29. Status

*It may be laid down that the, status- or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicil. The older jurists, whose opinions are fully collected by Story I and Burge, maintained, with few exceptions, the principle of the ubiquity of status, conferred by the lex domicilii with little qualification. Lord Westbury, in Udny v. Udny, thus states the doctrine broadly: "The civil status is governed by one single principle, namely, that of domicil, which is the criterion established by law for the purpose of determining civil status. For it is on this basis that the personal rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend." Gray, C. J., in the late Massachusetts case of Ross v. Ross, speaking with special reference to capacity to inherit, says: "It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take certain rights in that other's property, is fixed by the law of the domicil; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."*  
[A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and Company, 1887, p. 89]

Therefore, the only practical way that a statutory “citizen\*\*+D” can ALSO be statutory “resident” under the civil laws of a place is when they are abroad as identified in 26 U.S.C. §911: Citizens or residents of the United States living abroad. That section of code, in fact, groups STATUTORY CIVIL “citizens\*\*+D” and “residents” *together* because they are both “resident” when in a foreign country outside the United States\* the country:

1. They are a statutory political “citizen\*” under 8 U.S.C. §1401 if they were born on federal territory or abroad and NOT a constitutional state. See Rogers v. Bellei, 401 U.S. 815 (1971).
2. If they avail themselves of a “benefit” under a tax treaty with a foreign country, then they are also “resident” in the foreign country they are within under the tax treaty. At that point, they ALSO interface to the United States government as a “resident” under that tax treaty.

Moreover, there are two fairly instructive Revenue Rules that clarify the phrase “wherever resident” found in 26 C.F.R. §1.1-1(b) above. See Rev.Rul. 489 and Rev.Rul. 357 as follows:

**“No provision of the Internal Revenue Code or the regulations thereunder holds that a citizen of the United States is a resident of the United States for purposes of its tax. Several sections of the Code provide Federal income tax relief or benefits to citizens of the United States who are residents *without the United States* for some specified period. See sections 911, 934, and 981. *These sections give recognition to the fact that not all the citizens of the United States are residents of the United States.*”**  
[Rev.Rul. 75-489, p. 511]

As regards additional support, see Rev.Rul. 75-357 at p. 5, as follows:

**“Sections 1.1-1(b) and 1.871-1 of the Income Tax Regulations provide that *all citizens of the United States, wherever resident*, and all resident alien individuals are liable to the income taxes imposed by the Internal Revenue Code whether the *income is received* from sources within or without the United States. *See, however, section 911 of the Code.* (Emphasis added.)”**  
[Rev.Rul. 75-357, p. 5]

Being that Rev.Rul. 75-357 quotes 26 C.F.R. § 1.1-1(b) directly, and duly informs every reader to see 26 U.S.C. §911, we believe an examination of 26 U.S.C. §911 and its regulations is in order to locate the appropriate application of the “*wherever resident*” phrase in 26 C.F.R. §1.1-1(b). See 26 U.S.C. §911(d)(1)(A) as follows:

(d) Definitions and special rules — For purposes of this section —

(1) Qualified individual — The term "qualified individual" means an individual whose tax home is in a foreign country and who is —

(A) a citizen[\*\*+D] of the United States and establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year.  
[26 U.S.C. §911(d)(1)(A)]

There you have it. The "citizen[\*\*+D] of the United States" must be a bona-fide "resident of a foreign country" to be a qualified individual subject to tax.

Additionally, as we know, 26 C.F.R. §1.1-1(b) states:

"All citizens[\*\*+D] of the United States, **wherever resident**, are liable to the income taxes imposed by the Internal Revenue Code whether the income is received from sources within or without the United States."

The regulations for section 911 make the distinction between where income is received as opposed to where services are performed. See the following:

26 C.F.R. §1.911-3 Determination of amount of foreign earned income to be excluded.

(a) Definition of foreign earned income.

For purposes of section 911 and the regulations thereunder, the term "foreign earned income" means earned income (as defined in paragraph (b) of this section) from sources within a foreign country (as defined in §1.911-2(h)) that is earned during a period for which the individual qualifies under §1.911-2(a) to make an election. Earned income is from sources within a foreign country if it is attributable to services performed by an individual in a foreign country or countries. The place of receipt of earned income is immaterial in determining whether earned income is attributable to services performed in a foreign country or countries.

Note the phrase "foreign country" above. That phrase obviously does not include states of the Union. We are therefore inescapably led to the following conclusions based on the above analysis:

1. One cannot earn "income" as a statutory civil "citizen[\*\*+D]" under 26 C.F.R. §1.1-1(c), 26 U.S.C. §911, and a political citizen\* in 8 U.S.C. §1401 unless they are abroad in a foreign country.
2. No statute EXPRESSLY imposes a tax upon statutory "citizens" when they are NOT "abroad", meaning in a foreign country. Therefore, under the Rules of Statutory Construction and Interpretation, tax is not owed under ANY other circumstance:

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

3. A state citizen under the Fourteenth Amendment is NOT a statutory civil "citizen[\*\*+D]" under the Internal Revenue Code at 26 C.F.R. §1.1-1(c), even when they are abroad. Rather, they are statutory "non-resident non-persons" when abroad.
4. Even when one is "abroad" as a statutory "citizen", they can cease to be a statutory "citizen" at any time by:
  - 4.1. Changing their domicile to the foreign country. This is because the civil status of "citizen" is a product of domicile on federal territory, not their birth...AND
  - 4.2. Surrendering any and all tax "benefits" of the income tax treaty. The receipt of the "benefit" makes them subject to Internal Revenue Code Subtitle A "trade or business" franchise and a public officer in receipt, custody, and control of government property, which itself IS the "benefit".
5. It is a CRIME for a state citizen to claim the civil status of STATUTORY political "citizen" under 8 U.S.C. §1401. That crime is documented in 18 U.S.C. §911.
6. The claim that all state citizens domiciled in states of the Union are "citizens of the United States" under the Internal Revenue Code and that they owe a tax on ANY of their earnings is categorically false and fraudulent. See Form

#05.006 above.

Below is a table that succinctly summarizes everything we have learned in this section in tabular form. The left column shows what you are now and the two right columns show what you can “elect” or “volunteer” to become under the authority of the Internal Revenue Code based on that status:

**Table 5: Convertibility of citizenship or residency status under the Internal Revenue Code**

What you are starting as	What you would like to convert to	
	“Individuals” (see 26 C.F.R. §1.1441-1(c)(3))	
	“Alien” (see 26 C.F.R. §1.1441-1(c)(3)(i))	“Nonresident alien” (see 26 U.S.C. §7701(b)(1)(B))
“citizen* of the United States**” (see 8 U.S.C. §1401)	“citizen**+D” may unknowingly elect to be treated as an “alien” by filing 1040, 1040A, or 1040EZ form. This election, however, is <b><i>not</i></b> authorized by any statute or regulation, and consequently, the IRS is <b><i>not</i></b> authorized to process such a return! It amounts to constructive fraud for a “citizen**+D” to file as an “alien”, which is what submitting a 1040 or 1040A form does.	A “citizen* of the United States**” can elect to be a “nonresident alien”. Likewise, no “nonresident alien” is authorized by the I.R.C. to elect to become a “citizen of the United States**” under 8 U.S.C. §1401.
“resident” (not defined anywhere in the Internal Revenue Code)	All “residents” are “aliens”. “Resident”, “resident alien”, and “alien” are equivalent terms.	A “nonresident alien” may elect to be treated as an “alien” and a “resident” under the provisions of 26 U.S.C. §6013(g) or (h).

## 5.5 Meaning of “citizenship” used by federal courts

The term “citizenship” as used by the federal courts implies the COINCIDENCE of DOMICILE AND A PUBLIC OFFICE IN THE GOVERNMENT. Without the existence of the public office, there is no “citizenship”, even if there is a domicile. Below is an often-quoted definition of “citizenship” by the courts which betrays this fact:

*“Citizenship and domicile are substantially synonymous. Residency and inhabitance are too often confused with the terms and have not the same significance. Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.), 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691.”*  
[Baker v. Keck, 13 F.Supp. 486 (1936)]

Notice the phrase:

*“Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof.”*

The \$64,000 question is:

What does “identification with the state and participation in its functions” mean and how does that happen?

The answer can only be:

Selecting a domicile within a specific jurisdiction and thereby becoming at least ELIGIBLE to serve on jury duty or vote, both of which are public offices in the government, as we will soon show.

But what if you don't WANT to even be eligible to do either vote or serve on jury and simply want to be EXCLUSIVELY PRIVATE, left alone by the state, and not be the subject of any civil legislative obligations or entanglements? How would you do that? The answer is that we simply:

1. Identify the name of "the State" as THE GOVERNMENT and not a geographic place, in the case of all civil statutes.
2. Do not select a domicile or residence within the STATUTORY "State", meaning the GOVERNMENT and not a geographic place.
3. Refuse to identify oneself as a STATUTORY citizen, which is also a public office in the national government.
4. Identify all taxes based upon domicile in the STATUTORY "State" as poll taxes, which are ILLEGAL and unconstitutional and therefore you are ineligible to be a STATUTORY voter and instead are a PRIVATE elector as described in the Constitution.
5. Insist that anyone who disagrees with you has 10 days to provide evidence signed under penalty of perjury or they agree because of their failure to deny, per Federal Rule of Civil Procedure 8(b)(6) .

Below is how they side skirt the above using words of art so that they don't have to do their main job of protecting PRIVATE rights by simply leaving you alone and not enforcing the obligations of being a STATUTORY "citizen" against you:

1. In diversity of citizenship removal proceedings, Courts distinguish "domicile" (the civil PROTECTION franchise) from "citizenship" (the PUBLIC OFFICE franchise) in removal jurisdiction as follows:

*"To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.", "allegations of residence are wholly insufficient for purposes of removal.", "although 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence [domicile] alone."*  
[Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)]

2. Why did the courts distinguish DOMICILE from CITIZENSHIP in the context of diversity of citizenship? The answer is that:

- 2.1. "CITIZENSHIP" implies a public office domiciled at the seat of government, rather than at the place the HUMAN filling it is domiciled:

*"Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state and a participation in its functions. As a [STATUTORY] citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof. Harding v. Standard Oil Co. et al. (C.C.), 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sanford, 19 How. 393, 476, 15 L.Ed. 691."*  
[Baker v. Keck, 13 F.Supp. 486 (1936)]

- 2.2. The DOMICILE of the public office is the seat of government, rather than that of the otherwise PRIVATE human consensually filling said office:

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

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

- 2.3. The public office has an effective domicile in the District of Columbia under Federal Rule of Civil Procedure 17(b), because it REPRESENTS a federal corporation called "United States" under 28 U.S.C. §3002(15)(A).

[IV. PARTIES > Rule 17.](#)  
[\(b\) Capacity to Sue or be Sued.](#)

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

- (1) for an individual who is not acting in a representative capacity, by the law of the individual's domicile;
- (2) for a corporation [or the officers or "public officers" of the corporation], by the law under which it was organized; and
- (3) for all other parties, by the law of the state where the court is located, except that:
  - (A) a partnership or other unincorporated association with no such capacity under that state's law may sue or be sued in its common name to enforce a substantive right existing under the United States Constitution or laws; and

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

3. In effect, the PUBLIC OFFICE is being ABUSED to effectively:
  - 3.1. Switch the “choice of law” to an otherwise foreign jurisdiction.

“For the upright will dwell in the [geographical] land,  
And the blameless will remain in it;  
But the wicked will be cut off from the earth.  
And the unfaithful will be uprooted from it [using FRANCHISES and OFFICES].”  
[Prov. 2:21-22, Bible, NKJV]

- 3.2. KIDNAP your civil legal identity and transport it to what Mark Twain calls “the DISTRICT OF CRIMINALS”. Kidnapping is a crime if you didn’t consent to it.
- 3.3. Remove yourself from the protections of the common law and the Constitution and place you instead EXCLUSIVELY under the legislative jurisdiction of Congress.
4. Among the PUBLIC PRIVILEGES associated with the STATUTORY citizen franchise is the PRIVILEGE to invoke STATUTORY diversity of citizenship in federal court under 28 U.S.C. §1332:

When a case is originally filed in state court, a party may remove it if the case originally could have been brought in federal court. See 28 U.S.C. §1441(a). “Removal is a statutory privilege, rather than a right, and the removing party must comply with the procedural requirements mandated in the statute when desirous of availing the privilege.” Jerrell v. Kardoes Rubber Co., 348 F.Supp.2d. 1278, 1283 (M.D.Ala.2004) (quoting Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 104, 61 S.Ct. 868, 85 L.Ed. 1214 (1941)). After a case has been removed from state to federal court, the non-removing party may move for remand, which will be granted if “it appears that the district court lacks subject matter jurisdiction.” See 28 U.S.C. §1447(c). Remand may also be sought on the grounds that the removing party has failed to comply with the statutory requirements for removal. See, e.g., Brown v. Demco, Inc., 792 F.2d. 478 (5th Cir.1986) (ordering remand due to untimeliness of removal); Jerrell, 348 F.Supp.2d at 1283 (granting motion to remand where removing party failed to comply with procedural requirements regarding timing of removal set forth in 28 U.S.C. §1446(b)). Because removal jurisdiction raises significant federalism concerns, “removal statutes are construed narrowly; where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand.” Burns, 31 F.3d. at 1095. Indeed, the “letter of the law is clear and it requires strict construction of the language of the [removal] statute” and “all doubts about removal must be resolved in favor of remand.” Jerrell, 348 F.Supp.2d at 1281, 1283. [Adams v. Charter Communications VII, LLC, 356 F.Supp.2d. 1268, 1271 (M.D. 2005)]

5. State citizens under the Fourteenth Amendment CANNOT invokes statutory diversity in a federal court. If they do, they are committing a CRIME of impersonating a STATUTORY “U.S. citizen” under 18 U.S.C. §911. Instead, they must invoke CONSTITUTIONAL diversity of citizenship under Article III, Section 2.
6. The federal courts even recognize that a CIVIL “U.S. citizen” isn’t ALLOWED access to a REAL constitutional Article III court in the Judicial Branch, and can only use an Executive Branch Article IV TERRITORIAL court.

Appellant’s purported distinction between an “administrative” and a legislative court is unfounded. When Congress creates a territorial court apart from Article III, it matters not whether it makes no provision for, delegates to the Executive Branch, or delegates to the Judicial Branch the power to review its rulings; <sup>66</sup> The [Article III] Judicial Power simply is not implicated. <sup>67</sup> But we do not read appellant’s complaint to depend utterly, in this regard, upon the distinction advanced, for it argues vigorously on appeal not for an absolute constitutional right of access to a court independent of the Executive, but for the relative right to be treated equally with the residents of the other territories.

In this regard, appellant points out that of all the territories, only in American Samoa are litigants denied both trial and direct review <sup>68</sup> in “an independent or Article III court.” <sup>69</sup> “Since residents of other U.S. territories can litigate their property claims in a court having both independence and finality of judgment,” the Church argues, it has been denied equal protection of the law. <sup>70</sup> Furthermore, according to the Church, access to an independent court is a “fundamental right,” denial of which can be justified only by a “compelling” interest, subject to strict scrutiny. Appellant argues that the district court erred by applying a “rational basis” test rather than some form of strict scrutiny to evaluate the constitutionality of the Samoan judicial system.

At the outset, we reject the claim that more than a rational basis is required in order to sustain the unique features of the Samoan judicial system as constitutional. It is clear that Congress, when it is acting under the authority of Article IV, “may treat [a territory] differently from States so long as there is a rational basis for its actions.” <sup>71</sup> The Church’s argument that more is required because we deal here with an arguably “fundamental right,” viz., access to an independent court, is unavailing. Regardless of whether such a right may be fundamental for other purposes, the Supreme Court long ago determined that in the “unincorporated” territories, such as American Samoa, the guarantees of the Constitution apply only insofar as its “fundamental limitations in favor of personal rights” express “principles which are the basis of all free government which cannot be with impunity



1 transcended." <sup>72</sup> If access to an independent court for the adjudication of a land dispute were of such a  
2 fundamental nature, then--there being no real distinction between the High Court of Samoa and any other non-  
3 Article III court at least where no constitutional claim is involved <sup>73</sup>--it follows that there would be no place at  
4 all for the "exception from the general prescription of Art. III" for "territorial courts," which "dates from the  
5 earliest days of the Republic..." <sup>74</sup> We conclude, therefore, that access to a court independent of Executive  
6 supervision is not a fundamental right in the territories.

7 Is there a rational basis, then, for Congress' decision to preclude trial in or direct appeal to an independent court  
8 in American Samoa, and only in American Samoa, i.e., is there "any state of facts [that] reasonably may be  
9 conceived to justify it"? <sup>75</sup> The district court identified several factors that it thought might justify "[f]ailure to  
10 provide for direct review by an Article III court" <sup>76</sup>--a somewhat different situation than the one here challenged.  
11 Thus, that court pointed to "American Samoa's relatively small size, its geographical distance from any court of  
12 appeals, its desire for autonomy in local affairs, [and] the fact that it is the only territory without an organic act."  
13 <sup>77</sup> The Church, however, argues that the district court here "assumed facts" that were not true, and it offered to  
14 prove that there are other unorganized territories, smaller and more remote from the United States, that do have  
15 access to "a statutory or Article III court." <sup>78</sup> In other words, it says there is nothing unique about Samoa that  
16 justifies denying Samoan litigants access to an independent court, at least on appeal.

17 Appellant's offer of proof is beside the point, since we could assume the facts it offers to prove and we would still  
18 be constrained to uphold the judicial scheme applicable to Samoa as being rationally designed to further a  
19 legitimate congressional policy, viz., preserving the Fa'a Samoa by respecting Samoan traditions concerning land  
20 ownership. There can be no doubt that such is the policy. First, the Instruments of Cession by which these islands  
21 undertook allegiance to the United States provided that the United States would "respect and protect the  
22 individual rights of all people ... to their land," and would recognize such rights "according to their customs." <sup>79</sup>  
23 Second, the Samoan Constitution expressly provides that "[i]t shall be the policy of the Government of American  
24 Samoa to protect persons of Samoan ancestry against alienation of their lands...." <sup>80</sup> Such transfers would  
25 inevitably spell the end of the Fa'a Samoa. Congress initially delegated "all civil [and] judicial" power over  
26 American Samoa to the Executive, <sup>81</sup> but after the Secretary had approved the present Constitution of American  
27 Samoa, Congress in 1983 provided that any amendments could be "made only by Act of Congress." <sup>82</sup> To some  
28 extent, therefore, Congress may be viewed as having ratified the Samoan Constitution, at least in principle.

29 [. . .]

30 Finally, the Church was not denied due process of law because Congress put the court system of American  
31 Samoa under authority of the Executive Branch [RATHER than the Judicial Branch]; nor was it denied equal  
32 protection since Congress, exercising its authority over the territories, did not lack a rational basis on which to  
33 justify differences between the courts of American Samoa and those in the States or the other Territories.

34 [Corporation of Presiding Bishop of Church of Jesus Christ of Latter-Day Saints v. Hodel, 830 F.2d. 374  
35 (C.A.D.C., 1987)]

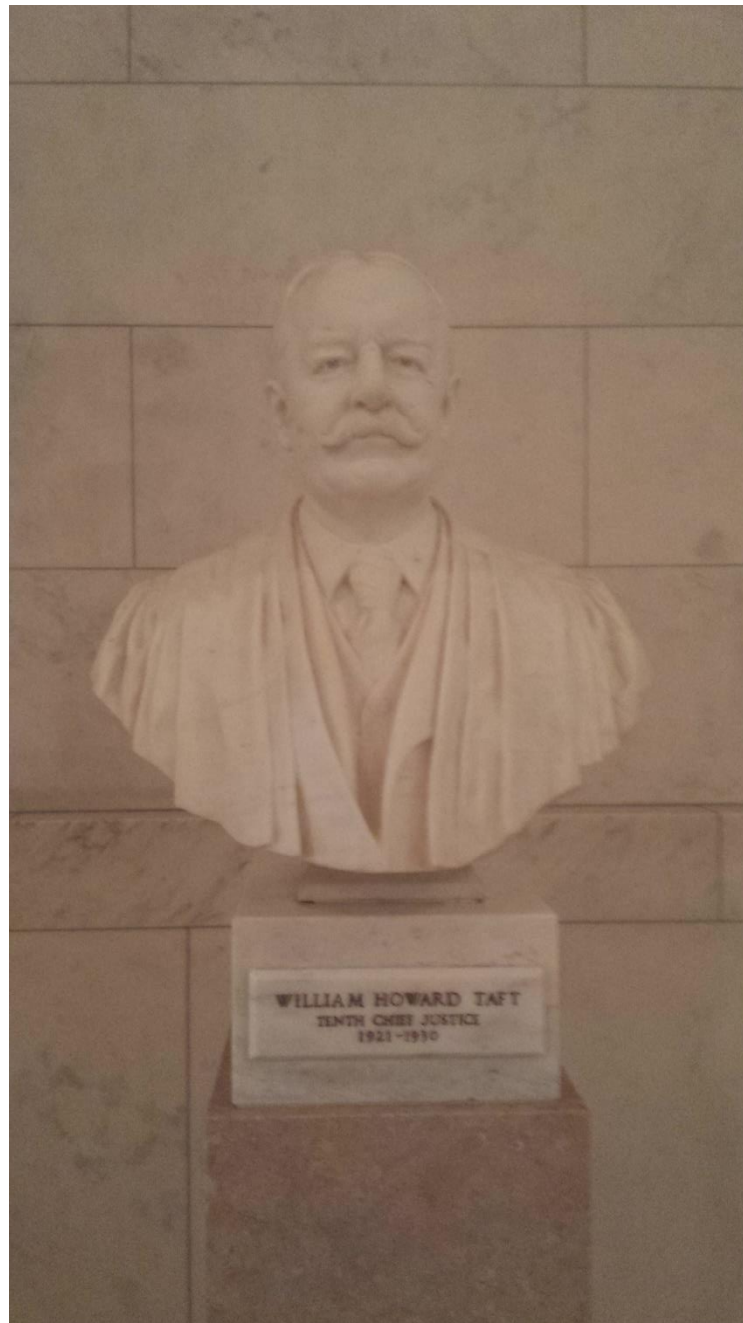
36 The U.S. Supreme Court case of Cook v. Tait agrees with the above conclusions, by stating that the source of the tax obligation  
37 is NEITHER the "domicile" NOT the "nationality" of a person domiciled abroad. The ONLY thing LEFT that COULD  
38 rationally be "the res" or object of the tax is therefore a public office in the national government. That public office, in turn,  
39 was occupied by Cook because he claimed to be a STATUTORY CIVIL "U.S.\*\* citizen\*\*+D" (26 C.F.R. §1.1-1(a) and (b))  
40 on the 1040 return he filed for the affected year and he HAD to claim that status to get the U.S. Supreme Court to even HEAR  
41 the case to begin with!

42 "The contention was rejected that a citizen's property without the limits of the United States derives no benefit  
43 from the United States. The contention, it was said, came from the confusion of thought in 'mistaking the scope  
44 and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relation  
45 to it.' And that power in its scope and extent, it was decided, is based on  
46 the presumption that government by its very nature benefits the citizen  
47 and his property wherever found, and that opposition to it holds on to citizenship while it  
48 'belittles and destroys its advantages and blessings by denying the possession by government of an essential power  
49 required to make citizenship completely beneficial.' In other words, the principle was declared that the  
50 government, by its very nature, benefits the citizen and his property wherever found, and therefore has the power  
51 to make the benefit complete. Or, to express it another way, the basis of the power to tax was not and cannot be  
52 made dependent upon the situs of the property in all cases, it being in or out of the United States, nor was not  
53 and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but  
54 upon his relation as [STATUTORY] citizen to the United States [meaning PUBLIC OFFICE] and the relation  
55 of the latter to him as citizen. The consequence of the relations is that the native citizen who is taxed may have  
56 domicile, and the property from which his income is derived may have situs, in a foreign country and the tax be  
57 legal--the government having power to impose the tax."  
58 [Cook v. Tait, 265 U.S. 47 (1924)]

1 Furthermore, as a state citizen born in a CONSTITUTIONAL state and domiciled in Mexico at the time, Cook WASN'T  
2 born on federal territory and committed the crime of impersonating a STATUTORY "U.S.\*\* citizen" under 18 U.S.C. §911  
3 to even get his case heard. The U.S. Supreme Court obliged because there was LOTS of money in it for them to do so. Can  
4 you spell CORRUPTION? And who instituted this corruption? Former President William Howard Taft, who:

- 5 1. Was the U.S. Supreme Court Chief Justice at the time of Cook v. Tait. . . .AND
- 6 2. Was the man responsible for getting the Sixteenth Amendment FRAUDULENTLY ratified in his past life as President  
7 of the United States. . . .AND
- 8 3. Was the ONLY U.S. Supreme Court justice AND President to EVER serve as a revenue collector BEFORE he entered  
9 government service. Something tells me that he continued that role all the way up to the U.S. Supreme Court. Look at  
10 his grinning statue in the halls of the U.S. Supreme Court building in Washington, D.C. [District of Criminals]. His  
11 statue is the ONLY one with a shit-eating grin on his face.

12 **Figure 2: William Howard Taft Statue in the U.S. Supreme Court Building in Washington, D.C.**



See:

*Biography of William Howard Taft*, SEDM Exhibit 11.003  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

## 5.6 Legal Dictionary

The legal dictionary confirms that statutory “citizen” status equates with being a “subject”, AND that said “subject” status is, indeed a voluntary franchise:

***“Subject.** Constitutional law. One that owes allegiance to a sovereign and is governed by his laws. The natives of Great Britain are subjects of the British government. **Men in free governments are subjects [political] as well as citizens**\*\*\*+D; **as citizens**\*\*\*+D **they enjoy [PUBLIC] rights [PRIVILEGES] and franchises; as subjects they are [morally but not legally] bound to obey the laws. The term is little used, in this sense, in countries enjoying a republican form of government. Swiss Nat. Ins. Co. v. Miller, 267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504.***

*Legislation. The matter of public or private concern for which law is enacted. Thing legislated about or matters on which legislature operates to accomplish a definite object or objects reasonably related one to the other. Crouch v. Benet, 198 S.C. 185, 17 S.E.2d. 320, 322. The matter or thing forming the groundwork of the act. McCombs v. Dallas County, Tex.Civ.App., 136 S.W.2d. 975,982.*

*The constitutions of several of the states require that every act of the legislature shall relate to but one subject, which shall be expressed in the title of the statute. But term "subject" within such constitutional provisions is to be given a broad and extensive meaning so as to allow legislature full scope to include in one act . all matters having a logical or natural connection. Jaffee v. State, 76 Okl.Cr. 95, 134 P.2d. 1027, 1032. [Black's Law Dictionary, Sixth Edition, p. 1425]*

Note from the above that:

1. They deceptively use the phrase “free GOVERNMENTS” rather than “free PEOPLE”. When the GOVERNMENT is free and unaccountable, the people are SLAVES to the government. When the PEOPLE are FREE and the GOVERNMENT is accountable, the GOVERNMENT instead is their slave. That is why people in government are called “public SERVANTS” instead of “public MASTERS”.

*“But he who is greatest among you shall be your servant. And whoever exalts himself will be humbled, and he who humbles himself will be exalted.”*

*“But woe to you, scribes [501c3 churches] and Pharisees [lawyers], hypocrites! For you shut up the kingdom of heaven against men [by interfering with their choice to serve God instead of Caesar]; for you neither go in yourselves, nor do you allow those who are entering to go in. “*  
*[Jesus in Matt. 23:11-14, Bible, NKJV]*

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*“You know that those who are considered rulers over the Gentiles lord it over them, and their great ones exercise authority over them. Yet it shall not be so among you; but whoever desires to become great among you shall be your servant. And whoever of you desires to be first shall be slave of all. For even the Son of Man did not come to be served, but to serve, and to give His life a ransom for many.”*  
*[Jesus in Mark 10:42-45, Bible, NKJV]*

2. Republican governments such as that in America DO NOT have “subjects”. You cannot be a “taxpayer” WITHOUT being a “subject”.

*“The **term is little used, in this sense, in countries enjoying a republican form of government.** Swiss Nat. Ins. Co. v. Miller, 267 U.S. 42, 45 S.Ct. 213, 214, 69 L.Ed. 504.”*

3. You have to be “in the government” to be a “subject” or statutory civil citizen\*\*\*+D with a domicile, and that when you join the government, THE GOVERNMENT is free, but YOU, the SUBJECT, are not only NOT free, but become a slave to their protection contract, “social compact”, and “employment agreement”:

***“Men in free governments are...”***

4. Being a statutory CIVIL “citizen\*\*\*+D” is identified as a voluntary franchise:

1 "Men in free governments are subjects as well as citizens; **as citizens they enjoy rights [PRIVILEGES or**  
2 **PUBLIC RIGHTS] and franchises**".

3 The above admissions are deliberate double speak to cloud the issues, but they do state some of the truth plainly. They are  
4 using double speak because they know they are abusing the law to destroy rights and enslave people they are supposed to be  
5 protecting through the abuse of "words of art" and oxymorons.

6 "For **where envy and self-seeking [by a corrupted de facto government towards YOUR property] exist,**  
7 **[manufactured] confusion and every evil thing are there.** But the wisdom that is from above is first pure, then  
8 peaceable, gentle, willing to yield, full of mercy and good fruits, without partiality and without hypocrisy."  
9 [James 3:16-17, Bible, NKJV]

10 Here is some of the Orwellian double speak designed to enforce the stealthful and unconstitutional GOVERNMENT  
11 PLUNDER of your rights and property using "words of art":

- 12 1. They say "men in free governments", implying that the GOVERNMENT is free but the "men" are NOT. No "subject"  
13 who is subservient to anyone can ever truly be "free". In any economic system, there are only two roles you can fill:  
14 predator or prey, sovereign or subject.  
15 2. They admit that governments that are "republican in form" cannot have "subjects", but:  
16 2.1. They don't mention that America, in Constitution Article 4, Section 4, is republican in form.  
17 2.2. They deliberately don't explain how you can "govern" people who are not "subjects" but sovereigns such as those  
18 in America.

19 In fact, if they dealt with the above two issues, their FRAUD would have to come to an IMMEDIATE end. It is a  
20 maxim of law that when TWO rights exist in the same person, it is as if there were TWO PERSONS. This means that  
21 the statutory "citizen" or "subject" they are REALLY talking about is a SEPARATE LEGAL PERSON who is, in fact,  
22 a public office in the U.S. government. 4 U.S.C. §72 says that office cannot lawfully exist in a constitutional state of  
23 the Union without permission from Congress that has never expressly been given and CANNOT lawfully be given  
24 without violating the separation of powers doctrine which is the foundation of the U.S. Constitution:

25 "Quando duo juro concurrunt in und personâ, aequum est ac si essent in diversis.  
26 When two rights [or a PRIVATE RIGHT and a PUBLIC PRIVILEGE] concur in one person, it is the same as if  
27 they were in two separate persons. 4 Co. 118."  
28 [Bouvier's Maxims of Law, 1856;  
29 SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

- 30 3. They use the phrase "rights and franchises". These two things cannot rationally coexist in the same person. Rights are  
31 private and unalienable, meaning that they cannot lawfully be surrendered or bargained away. Franchises are public  
32 alienable and can be taken away at the whim of the legislature. A state citizen or state national cannot sign up for a  
33 government franchise without alienating an unalienable right. Therefore, no one who has REAL UNALIENABLE  
34 rights can also at the same time have privileges. The only people who can lawfully sign up for franchises are those  
35 who HAVE no rights because domiciled on federal territory not protected by the constitution and not within any state  
36 of the Union.

37 "We hold these truths to be self-evident, that **all men are created equal, that they are endowed by their Creator**  
38 **with certain unalienable Rights,** that among these are Life, Liberty and the pursuit of Happiness.--That to secure  
39 these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,  
40 --"  
41 [Declaration of Independence]

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

- 44 4. They don't address how the national government can lawfully implement franchises within a Constitutional state, and  
45 therefore deliver the "rights [PRIVILEGES and PUBLIC RIGHTS] and franchises" associated with being a statutory  
46 civil but not constitutional "citizen".

47 And here is yet another example from Black's Law Dictionary proving that Citizen\*\*+D is a franchise:

48 FRANCHISE. **A special privilege conferred by government on individual or corporation, and which does not**  
49 **belong to citizens of country generally of common right,** Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360.  
50 In England it is defined to be a royal privilege in the hands of a subject.

A "franchise," as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference to a royal privilege or branch of the king's prerogative subsisting in the hands of the subject, and must arise from the king's grant, or be held by prescription, but today we understand a franchise to be some special privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. *State v. Fernandez*, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

**In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company [e.g. *Social Insurance/Socialist Security*], and the issuing a bank note by an incorporated bank [such as a *Federal Reserve NOTE*], are franchises. *People v. Utica Ins. Co.*, 15 Johns., N.Y., 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. *Bridgeport v. New York & N.H.R. Co.*, 36 Conn. 255, 4 Arn.Rep. 63. Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d. 1019, 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage. etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.**

*Elective Franchise. The right of suffrage: the right or privilege of voting in public elections. [Black's Law Dictionary, Fourth Edition, pp. 786-787]*

Note the phrase "a franchise is a privilege or immunity of a public nature", meaning that those who exercise it are public officers. A public officer, after all, is legally defined simply as someone who has custody and control of the property of the public, including "public rights". They also say "In a popular sense, the political rights [privileges] of subjects and citizens[\*\*+D] are franchises, such as the right of suffrage" and by this:

1. They refer to franchises as having a "public nature", meaning that those who exercise them are public officers.
2. They can only mean STATUTORY citizens and not CONSTITUTIONAL citizens.
3. They are referring to a "Congressionally created right" and therefore statutory privilege available only to those subject to the exclusive jurisdiction of Congress because either domiciled on federal territory or representing an office that is so domiciled.

It therefore appears to us that:

1. The only "subjects" within a republican form of government are public officers IN the government and not private human beings.
2. In order to create "subjects" within a republican form of government, you must create a statutory franchise called STATUTORY "U.S. citizen" or "U.S. resident" that is a public office in the government, and then fool people through the abuse of "words of art" into volunteering into the franchise.
3. A government that abuses its legislative authority to create franchises that alienate rights that are supposed to be unalienable is engaging in TREASON and violating the Constitution. Any government that makes a profitable business or franchise out of alienating rights that are supposed to be unalienable is not a de jure government, but a de facto government. Those who abuse the public trust to make a profitable business out of alienating rights that are supposed to be unalienable are committing TREASON and making the government into a SHAM TRUST.

## **5.7 Criminalization of being a "citizen of the United States\*\*" in 18 U.S.C. §911**

You may also wonder as we have how it is that Congress can make it a crime to falsely claim to be a statutory civil "U.S. citizen" in 18 U.S.C. §911.

[TITLE 18 > PART 1 > CHAPTER 43 > § 911](#)  
[§ 911. Citizen of the United States](#)

Whoever falsely and willfully represents himself to be a citizen of the United States[\*\*] shall be fined under this title or imprisoned not more than three years, or both.

The reason is that you cannot tax or regulate something until abusing it becomes harmful. A "license", after all, is legally defined as permission from the state to do that which is otherwise illegal or harmful or both. And of course, you can only tax or regulate things that are harmful and licensed. Hence, they had to:

1. Create yet another franchise.



2. Attach a “civil status” to the franchise called “citizen\*\*+D of the United States\*\*\*”, where “United States” implies the GOVERNMENT and not any geographical place.
3. Criminalize the abuse of the “civil status” and the rights that attach to the civil status. See, for instance, 18 U.S.C. §911, which makes it a crime to impersonate a statutory civil “citizen\*\*+D of the United States\*\*\*”.
4. Make adopting the status entirely discretionary on the part of those participating. Hence, invoking the “civil status” and the “benefits” and “privileges” associated with the status constitutes constructive consent to abide by all the statutes that regulate the status.

*California Civil Code*  
DIVISION 3. OBLIGATIONS  
PART 2. CONTRACTS  
TITLE 1. NATURE OF A CONTRACT  
CHAPTER 3. CONSENT

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

[SOURCE:  
<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=01001-02000&file=1565-1590>]

5. Impose a tax or fine or “licensing fee” for those adopting or invoking the status. That tax, in fact, is the federal income tax codified in Internal Revenue Code, Subtitle A.

Every type of franchise works and is implemented exactly the same way, and the statutory civil “U.S.\*\* citizen\*\*+D” or “citizen\*\*+D of the United States\*\*\*” franchise is no different. This section will prove that being a “citizen\*\*+D of the United States\*\*\*” under the Internal Revenue Code (I.R.C.) is, in fact, a franchise, that the franchise began in 1924 by judicial pronouncement, and that because the status is a franchise and all franchises are voluntary, you don’t have to participate, accept the “benefits”, or pay for the costs of the franchise if you don’t consent.

As you will learn in the next section, one becomes a “citizen” in a common law or constitutional (political) sense by being born or naturalized in a country and exercising their First Amendment right of political association by voluntarily choosing a national and a municipal domicile in that country. How can Congress criminalize the exercise of the First Amendment right to politically associate with a “state” and thereby become a citizen? After all, the courts have routinely held that Congress cannot criminalize the exercise of a right protected by the Constitution.

*“It is an unconstitutional deprivation of due process for the government to penalize a person merely because he has exercised a protected statutory or constitutional right. United States v. Goodwin, 457 U.S. 368, 372, 102 S.Ct. 2485, 2488, 73 L.Ed.2d. 74 (1982).”*  
*[People of Territory of Guam v. Fegurgur, 800 F.2d. 1470 (9th Cir. 1986)]*

Even the U.S. Code recognizes the protected First Amendment right to not associate during the passport application process. Being a statutory and not constitutional “citizen” is an example of type of membership, because domicile is civil membership in a territorial community usually called a county, and you cannot be a “citizen” without a domicile:

TITLE 22 > CHAPTER 38 > § 2721  
§ 2721. Impermissible basis for denial of passports

*A passport may not be denied issuance, revoked, restricted, or otherwise limited because of any speech, activity, belief, **affiliation, or membership, within or outside the United States**, which, if held or conducted within the United States, would be protected by the first amendment to the Constitution of the United States.*

The answer to how Congress can criminalize the exercise of a First Amendment protected right of political association that is the foundation of becoming a “citizen” therefore lies in the fact that the statutory “U.S.\*\* citizen\*\*+D” mentioned in 18 U.S.C. §911 is not a constitutional political citizen\* protected by the Constitution, but rather is:

1. Not a human being or a private person but a statutory creation of Congress. The ability to regulate private conduct, according to the U.S. Supreme Court, is repugnant to the U.S. Constitution and therefore Congress can ONLY regulate public conduct and the public offices and franchises that it creates.

*“The power to “legislate generally upon” life, liberty, and property, as opposed to the “power to provide modes of redress” against offensive state action, was “repugnant” to the Constitution. Id., at 15. See also United States*

v. Reese, 92 U.S. 214, 218 (1876); *United States v. Harris*, 106 U.S. 629, 639 (1883); *James v. Bowman*, 190 U.S. 127, 139 (1903). Although the specific holdings of these early cases might have been superseded or modified, see, e.g., *Heart of Atlanta Motel, Inc. v. United States*, 379 U.S. 241 (1964); *United States v. Guest*, 383 U.S. 745 (1966), their treatment of Congress' §5 power as corrective or preventive, not definitional, has not been questioned." [City of Boerne v. Flores, *Archbishop of San Antonio*, 521 U.S. 507 (1997)]

2. A statutory franchise and a federal corporation created on federal territory and domiciled there. Notice the key language **"Whenever the public and private acts of the government seem to comingle [in this case, through the offering and enforcement of PRIVATE franchises to the public at large such as income taxes], a citizen or corporate body must by supposition be substituted in its place..."** What Congress did was perform this substitution in the franchise agreement itself (the I.R.C.) BEFORE the controversy ever even reached the court such that this judicial doctrine could be COVERTLY applied! They want to keep their secret weapon secret.

See also *Clearfield Trust Co. v. United States*, 318 U.S. 363, 369 (1943) ("The United States does business on business terms") (quoting *United States v. National Exchange Bank of Baltimore*, 270 U.S. 527, 534 (1926)); *Perry v. United States*, *supra* at 352 (1935) ("When the United States, with constitutional authority, makes contracts [or franchises], it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . . except that the United States cannot be sued without its consent") (citation omitted); *United States v. Bostwick*, 94 U.S. 53, 66 (1877) ("The United States, when they contract with their citizens, are controlled by the same laws that govern the citizen in that behalf"; *Cooke v. United States*, 91 U.S. 389, 398 (1875) (explaining that when the United States "comes down from its position of sovereignty, and enters the domain of commerce, it submits itself to the same laws that govern individuals there")).

See *Jones*, 1 Cl.Ct. at 85 ("Wherever the public and private acts of the government seem to commingle, a citizen or corporate body must by supposition be substituted in its place, and then the question be determined whether the action will lie against the supposed defendant"; *O'Neill v. United States*, 231 Ct.Cl. 823, 826 (1982) (sovereign acts doctrine applies where, "[w]here [the] contracts exclusively between private parties, the party hurt by such governing action could not claim compensation from the other party for the governing action"). The dissent ignores these statements (including the statement from *Jones*, from which case *Horowitz* drew its reasoning literally verbatim), when it says, post at 931, that the sovereign acts cases do not emphasize the need to treat the government-as-contractor the same as a private party. [*United States v. Winstar Corp.* 518 U.S. 839 (1996)]

3. Property of the U.S. government. All franchises and statuses incurred under franchises are property of the government grantor. The government has always had the right to criminalize abuses of its property.
4. A public office in the government like all other franchise statuses.
5. An officer of a corporation, which is "U.S. Inc." and is described in 28 U.S.C. §3002(15)(A). All federal corporations are "citizens", and therefore a statutory "U.S. citizen" is really just the corporation that you are representing as a public officer.

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

Ordinarily, and especially in the case of states of the Union, domicile within that state by the state "citizen" is the determining factor as to whether an income tax is owed to the state by that citizen:

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

**"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit or sojourn, is an adequate basis for taxation, including income, property, and death taxes. Since the Fourteenth Amendment makes one a citizen of the state wherein he resides, the fact of residence creates universally reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously**

1 *includes a duty to pay taxes, and their nature and measure is largely a political matter.* Of course, the situs of  
2 property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration  
3 being a tax on realty laid by the state in which the realty is located."  
4 [Miller Brothers Co. v. Maryland, [347 U.S. 340](#) (1954)]

5 We also establish the connection between domicile and tax liability in the following article.

<p>Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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## 6 **5.8 U.S. Supreme Court: Murphy v. Ramsey**

7 Below is how the U.S. Supreme Court describes the political rights of those domiciled on federal territory and therefore  
8 "U.S.\*\* citizens\*\*+D" and "U.S.\*\* residents" as follows:

9 *The counsel for the appellants in argument seem to question the constitutional power of Congress to pass the Act*  
10 *of March 22, 1882, so far as it abridges the rights of electors in the territory under previous laws. But that*  
11 *question is, we think, no longer open to discussion. It has passed beyond the stage of controversy into final*  
12 *judgment. The people of the United States[\*\*\*], as sovereign owners of the national territories, have supreme*  
13 *power over them and their inhabitants. In the exercise of this sovereign dominion, they are represented by the*  
14 *government of the United States[\*\*], to whom all the powers of government over that subject have been delegated,*  
15 *subject only to such restrictions as are expressed in the Constitution or are necessarily implied in its terms or in*  
16 *the purposes and objects of the power itself, for it may well be admitted in respect to this, as to every power of*  
17 *society over its members, that it is not absolute and unlimited. But in ordaining government for the territories*  
18 *and the people who inhabit them, all the discretion which belongs to legislative power is vested in Congress,*  
19 *and that extends beyond all controversy to determining by law, from time to time, the form of the local*  
20 *government in a particular territory and the qualification of those who shall administer it. It rests with Congress*  
21 *to say whether in a given case any of the people resident in the territory shall participate in the election of its*  
22 *officers or the making of its laws, and it may therefore take from them any right of suffrage it may previously have*  
23 *conferred, or at any time modify or abridge it, as it may deem expedient. The right of local self-*  
24 *government, as known to our system as a constitutional franchise, belongs*  
25 *under the Constitution to the states and to the people thereof, by whom that Constitution was ordained, and to*  
26 *whom, by its terms, all power not conferred by it upon the government of the United States, was expressly*  
27 *reserved. The personal and civil rights of the inhabitants of the territories are secured to them, as to other*  
28 *citizens, by the principles of constitutional liberty, which restrain all the agencies of government, state and*  
29 *national; their political rights are franchises which they hold as privileges in the legislative discretion of the*  
30 *Congress of the United States.* This doctrine was fully and forcibly declared by THE CHIEF JUSTICE, delivering  
31 the opinion of the Court in *National Bank v. County of Yankton*, 101 U.S. 129. See also *American Ins. Co. v.*  
32 *Canter*, 1 Pet. 511; *United States v. Gratiot*, 14 Pet. 526; *Cross v. Harrison*, 16 How. 164; *Dred Scott v. Sandford*,  
33 19 How. 393.  
34 [Murphy v. Ramsey, 114 U.S. 15 (1885)]

35 So in other words, those domiciled on federal territory are exercising "privileges" and franchises. The above case, however,  
36 does not refer and cannot refer to those domiciled within states of the Union.

## 37 **5.9 U.S. Supreme Court: Cook v. Tait**

38 The U.S. Supreme Court confirmed that the statutory civil "citizen\*\*+D of the United States\*\*" mentioned in the Internal  
39 Revenue Code at 26 U.S.C. §911 and at 26 C.F.R. §1.1-1(a) and (b) is not associated with either domicile OR with  
40 POLITICAL citizenship (nationality) of the human being who is the "taxpayer" in the following case. The party they  
41 mentioned, Cook, was domiciled within Mexico at the time, which meant he was NOT a statutory "citizen of the United  
42 States\*\*" under the Internal Revenue Code but rather a "non-resident non-person". However, because he CLAIMED to be  
43 a statutory "citizen of the United States\*\*" and the U.S. Supreme Court colluded with that FRAUD, they treated him as one  
44 ANYWAY.

45 *We may make further exposition of the national power as the case depends upon it. It was illustrated at once in*  
46 *United States v. Bennett by a contrast with the power of a state. It was pointed out that there were limitations*  
47 *upon the latter that were not on the national power. The taxing power of a state, it was decided, encountered at*  
48 *its borders the taxing power of other states and was limited by them. There was no such limitation, it was*  
49 *pointed out, upon the national power, and that the limitation upon the states affords, it was said, no ground*  
50 *for constructing a barrier around the United States, 'shutting that government off from the exertion of powers*  
51 *which inherently belong to it by virtue of its sovereignty.'*

1 "The contention was rejected that a citizen's property without the limits of the United States derives no benefit  
2 from the United States. The contention, it was said, came from the confusion of thought in 'mistaking the scope  
3 and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relation  
4 to it.' **And that power in its scope and extent, it was decided, is based on**  
5 **the presumption that government by its very nature benefits the citizen**  
6 **and his property wherever found,** and that opposition to it holds on to citizenship while it  
7 'belittles and destroys its advantages and blessings by denying the possession by government of an essential power  
8 required to make citizenship completely beneficial.' In other words, the principle was declared that the  
9 government, by its very nature, benefits the citizen and his property wherever found, and therefore has the power  
10 to make the benefit complete. Or, to express it another way, the basis of the power to tax was not and cannot be  
11 made dependent upon the situs of the property in all cases, it being in or out of the United States, nor was not  
12 and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but  
13 upon his relation as citizen to the United States and the relation of the latter to him as citizen. The consequence  
14 of the relations is that the native citizen who is taxed may have domicile, and the property from which his income  
15 is derived may have situs, in a foreign country and the tax be legal—the government having power to impose the  
16 tax."  
17 [Cook v. Tait, 265 U.S. 47 (1924)]

18 How can they tax someone without a domicile in the statutory United States\*\* (federal zone) and with no earnings from the  
19 statutory United States\*\* in the case of Cook, you might ask? Well, the REAL "taxpayer" is a public office in the U.S.  
20 government. That office REPRESENTS the United States federal corporation. All corporations are "citizens\*\*+D" of the  
21 place of their incorporation, and therefore under Federal Rule of Civil Procedure 17(b), the effective domicile of the  
22 "taxpayer" is the District of Columbia.<sup>47</sup> All taxes are a civil liability that are implemented with civil law. The only way  
23 they could have reached extraterritorially with civil law to tax Cook without him having a domicile or residence anywhere in  
24 the statutory "United States\*\*" was through a private law franchise contract in which he was a public officer. It is a maxim  
25 of law that debt and contract know no place, meaning that they can be enforced anywhere.

26 *Debt and contract [franchise agreement, in this case] are of no particular place.*

27 *Locus contractus regit actum.*

28 *The place of the contract [franchise agreement, in this case] governs the act.*

29 *[Bouvier's Maxims of Law, 1856;*

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

31 The feds have jurisdiction over their own public officers wherever they are but the EFFECTIVE civil domicile of all such  
32 offices and officers is the District of Columbia pursuant to Federal Rule of Civil Procedure 17(b) and 4 U.S.C. §72. Hence,  
33 the ONLY thing such a statutory "citizen of the United States\*\*" could be within the Internal Revenue Code (I.R.C.) is a  
34 statutory creation of Congress that is actually a public office which is domiciled in the statutory but not constitutional "United  
35 States\*\*" in order for the ruling in Cook to be constitutional or even lawful. AND, according to the Cook case, having that  
36 status is a discretionary choice that has NOTHING to do with your circumstances, because Cook was NOT a statutory "citizen  
37 of the United States\*\*" as someone not domiciled in the statutory but not constitutional "United States\*\*". Instead, he was  
38 a statutory "non-resident non-person" but the court allowed him to accept the voluntary "benefit" of the statutory status and  
39 hence, it had nothing to do with his circumstances, but rather his CHOICE to nominate a "protector" and join a franchise.  
40 Simply INVOKING the status of being a statutory civil "citizen\*\*+D of the United States\*\*" on a government form is the  
41 only magic word needed to give one's consent to become a "taxpayer" in that case. It is what the court called a "benefit",  
42 and all "benefits" are voluntary and the product of a franchise contract or agreement. It was a quasi-contract as all taxes are,  
43 because the consent was implied rather than explicit, and it manifested itself by using property of the government, which in  
44 this case was the STATUS he claimed.

45 *"Even if the judgment is deemed to be colored by the nature of the obligation whose validity it establishes, and*  
46 *we are free to re-examine it, and, if we find it to be based on an obligation penal in character, to refuse to enforce*  
47 *it outside the state where rendered, see Wisconsin v. Pelican Insurance Co., [127 U.S. 265](#), 292, et seq. 8 S.Ct.*

48 *1370, compare Fauntleroy v. Lum, [210 U.S. 230](#), 28 S.Ct. 641, **still the obligation to pay***  
49 **taxes is not penal. It is a statutory liability, quasi contractual in**  
50 **nature, enforceable, if there is no exclusive statutory remedy,**  
51 **in the civil courts by the common-law action of debt or**

<sup>47</sup> "A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was created, and of that state or country only."  
[19 Corpus Juris Secundum, Corporations, §886]



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

You might reasonably ask of the Cook case, as we have, the following question:

“HOW did the government create the public office that they could tax and which Cook apparently occupied as a franchisee called a STATUTORY civil ‘U.S.\*\* citizen\*\*+D’?”

Well, apparently the “citizen\*\*+D of the United States\*\*” status he claimed under 26 C.F.R. §1.1-1(a) and (b) is a franchise, a creation of Congress, and an office in the U.S. government that carries with it the “public right” to make certain demands upon those who claim this status. Hence, it represents a “property interest” in the services of the United States federal corporation. In law:

1. All rights are property.
2. Anything that conveys rights is property.
3. Contracts convey rights and are therefore property.
4. All franchises are contracts and therefore property.

A “public officer” is legally defined as someone in charge of the property of the public, and the property Cook was in possession of was the public rights that attach to the status of being a statutory civil “citizen\*\*+D of the United States\*\*”.

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

For Cook, the statutory status he FALSELY claimed of being a “citizen\*\*+D of the United States\*\*” under 26 C.F.R. §1.1-1(a) and (b) was the “res” that “identified” him within the jurisdiction of the federal courts, and hence made him a “res-ident” or “resident” subject to the tax with standing to sue in a territorial franchise court, which is what all U.S. District Courts are. In effect, he waived sovereign immunity and became a statutory “resident alien” by invoking the services of the federal courts, and as such, he had to pay for their services by paying the tax. Otherwise, he would have no standing to sue in the first place because he would be a “stateless person” and they would have had to dismiss either his case, or him as a party to it as the U.S. Supreme Court correctly did in *Newman-Green v. Alfonso Larrain*, 490 U.S. 826 (1989) in the case of an American National domiciled in Venezuela and therefore OUTSIDE the statutory but not constitutional “United States”.

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

When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. *Strawbridge v. Curtiss*, 3 Cranch 267 (1806).[1] Here,



Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d. at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the merits of the case, ruling in Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.{2}

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

Notice the above case dealt with federal franchises instead of constitutional rights, because they invoked STATUTORY diversity under 28 U.S.C. §1332 instead of Constitutional diversity under Article III, Section 2. Statutory diversity under 28 U.S.C. §1332 is for STATUTORY "U.S. citizens". Constitutional diversity under Article III, Section 2 is for CONSTITUTIONAL "citizens of the United States" under the Fourteenth Amendment.

If you would like a much more thorough discussion of all of the nuances of the Cook case, we strongly recommend the following:

[Federal Jurisdiction](#), Form #05.018, Section 4.4  
<http://sedm.org/Forms/FormIndex.htm>

Here is another HUGE clue about what they think a "U.S.\*\* citizen\*\*+D" really is in federal civil statutes. Look at the definition below, and then consider that you CAN'T own a human being as property. That's called slavery:

[TITLE 46 > Subtitle V > Part A > CHAPTER 505 > § 50501](#)  
[§50501. Entities deemed citizens of the United States](#)

(a) **In General.**—

*In this subtitle, **a corporation, partnership, or association is deemed to be a citizen of the United States only if the controlling interest is owned by citizens of the United States.** However, if the corporation, partnership, or association is operating a vessel in the coastwise trade, at least 75 percent of the interest must be owned by citizens of the United States.*

Now look at what the U.S. Supreme Court held about "ownership" of human beings. You can't "own" a human being as chattel. The Thirteenth Amendment prohibits that. Therefore, the statutory "U.S. citizen" they are talking about above is an instrumentality and public office within the United States. They can only tax, regulate, and legislate for PUBLIC objects and public offices of the United States under Article 4, Section 3, Clause 2. The ability to regulate PRIVATE conduct of human beings has repeatedly been held by the U.S. Supreme Court to be "repugnant to the constitution" and beyond the jurisdiction of Congress.

*"It [the contract] is, in substance and effect, a contract for servitude, with no limitation but that of time; leaving the master to determine what the service should be, and the place where and the person to whom it should be rendered. Such a contract, it is scarcely necessary to say, is against the policy of our institutions and laws. If such a sale of service could be lawfully made for five years, it might, from the same reasons, for ten, and so for the term of one's life. The door would thus be opened for a species of servitude inconsistent with the first and fundamental article of our declaration of rights, which, proprio vigore, not only abolished every vestige of slavery then existing in the commonwealth, but rendered every form of it thereafter legally impossible. That article has always been regarded, not simply as the declaration of an abstract principle, but as having the active force and conclusive authority of law." Observing that one who voluntarily subjected himself to the laws of the state must find in them the rule of restraint as well as the rule of action, the court proceeded: 'Under this contract the plaintiff had no claim for the labor of the servant for the term of five years, or for any term whatever. She was under no legal obligation to remain in his service. There was no time during which her service was due to the plaintiff, and during which she was kept from such service by the acts of the defendants.'*

[ . . . ]

*Under the contract of service it was at the volition of the master to entail service upon these appellants for an indefinite period. So far as the record discloses, it was an accident that the vessel came back to San Francisco when it did. By the shipping articles, the appellants could not quit the vessel until it returned to a port of the \*296 United States, and such return depended absolutely upon the will of the master. He had only to land at foreign*

ports, and keep the vessel away from the United States, in order to prevent the appellants from leaving his service.

[. . .]

The supreme law of the land now declares that involuntary servitude, except as a punishment for crime, of which the party shall have been duly convicted, shall not exist anywhere within the United States.  
[*Robertson v. Baldwin*, 165 U.S. 275, 17 S.Ct. 326 (U.S. 1897)]

Federal courts also frequently use the phrase “privileges and immunities of citizens[\*] of the United States”. Below is an example:

“The privileges and immunities of citizens of the United States do not necessarily include all the rights protected by the first eight amendments to the Federal Constitution against the powers of the Federal Government.

*The trial of a person accused as a criminal by a jury of only eight persons instead of twelve, and his subsequent imprisonment after conviction do not abridge his privileges and immunities under the Constitution as a citizen of the United States and do not deprive him of his liberty without due process of law.”*  
[*Maxwell v. Dow*, 176 U.S. 581 (1899)]

Note that the “citizen\* of the United States\*\*” described above is a civil statutory rather than constitutional citizen, which is why the court admits that the rights of such a person are inferior to those possessed by a political “citizen\*” within the meaning of the United States Constitution. A constitutional but not statutory political citizen\* is, in fact, NOT “privileged” in any way and none of the rights guaranteed by the Constitution can truthfully be called “privileges” without violating the law. It is a tort and a violation of due process, in fact, to convert rights protected by the Constitution and the common law into “privileges” or franchises or “public rights” under statutory law without at least your consent, which anyone in their right mind should NEVER give.

*“It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed by the Constitution.” Frost & Frost Trucking Co. v. Railroad Comm’n of California, 271 U.S. 583. “Constitutional rights would be of little value if they could be indirectly denied,” Smith v. Allwright, 321 U.S. 649, 644, or manipulated out of existence [by converting them into statutory “privileges”/franchises],’ Gomillion v. Lightfoot, 364 U.S. 339, 345.”*  
[*Harman v. Forssenius*, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]

It is furthermore proven in the following memorandum of law that civil statutory law pertains almost exclusively to government officers and employers and cannot and does not pertain to human beings or private persons not engaged in federal franchises/privileges:

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

Consequently, if a court refers to “privileges and immunities” in relation to you, chances are they are presuming, usually FALSELY, that you are a statutory “U.S. citizen” and NOT a constitutional citizen. If you want to prevent them from making such false presumptions, we recommend attaching the following forms at least to your initial complaint and/or response in any action in court:

1. Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002  
<http://sedm.org/Litigation/LitIndex.htm>
2. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>

## **5.10 U.S. v. Valentine, 288 F.Supp. 958, 980 (1968)**

In U.S. v. Valentine, at page 980, the court admitted that:

*“...The only absolute and unqualified right of citizenship is to residence within territorial boundaries of United States; a citizen cannot be either deported or denied re-entry...”*  
[*U.S. v. Valentine*, 288 F.Supp. 957, 980 (1968)]

Now, contrast the above excerpt to what appears on page 960, #26, where the phrase "United States\*\* citizen\*\*+D" is used. Thus confirming that when the court used the term "citizenship" within the body of the decision, they were referring exclusively to federal citizenship, and to domicile on federal territory. "Residence", after all, means domicile RATHER than the "nationality" of the person.

Note that they use the word "residence", which means consent to the civil laws of that place as defined in the Internal Revenue Code (I.R.C.), rather than simply "physical presence". And "residence" is associated with "aliens" and not constitutional citizens in the Internal Revenue Code (I.R.C.) In other words, the only thing you are positively allowed to do as a "U.S.\*\* citizen\*\*+D" is:

1. Lie about your status by calling yourself a privileged ALIEN with no rights.
2. Consent to be governed by the civil laws of legislatively foreign jurisdiction, the District of Criminals by falsely calling yourself a "resident".

Title 26: Internal Revenue  
PART 1—INCOME TAXES  
nonresident alien individuals  
§ 1.871-2 Determining residence of alien individuals.

(B) Residence defined.

An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

There is NO statutory definition of "residence" that describes the place of DOMICILE of a CONSTITUTIONAL but not STATUTORY Citizen\*. The only people who can have a "residence" are "aliens" in the Internal Revenue Code (I.R.C.). Aliens, in fact, are the ONLY subject of the Internal Revenue Code (I.R.C.). Citizens\*\*+D are only mentioned in 26 U.S.C. §911, and in that capacity, they too are "aliens" in relation to the foreign country they are in who connect to the Internal Revenue Code (I.R.C.) as aliens under a tax treaty with the country they are in.

If this same statutory "U.S.\*\* citizen\*\*+D", as the court describes him, exercises their First Amendment right of freedom from compelled association by declaring themselves a transient foreigner or nonresident, they don't have a "residence" as legally defined. Hence, the implication of the above ruling is that THEY can be deported because they refuse to contract with the government under what the courts call "the social compact".

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

In other words, if you don't LEGALLY associate by choosing or consenting to a domicile or "residence" and thereby give up rights that the Constitution is SUPPOSED to protect, then you can be deported. This works a purpose OPPOSITE to the reason for which civil government is established, which is to PROTECT, not compel the surrender, of PRIVATE rights. "Justice" itself is defined as the right to be left alone. Those who do not politically or legally associate with ANYONE or

ANY GOVERNMENT MUST, as a matter of law, be LEFT ALONE by EVERYONE, including NOT becoming the target of any civil statutory enforcement action. This is covered in:

1. *Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “justice”  
<http://famguardian.org/TaxFreedom/CitesByTopic/justice.htm>
2. *Requirement for Consent*, Form #05.003, Section 2  
<http://sedm.org/Forms/FormIndex.htm>

## 5.11 Summary

Based on our previous analysis in preceding subsections:

1. All the powers of any government, including ALL of their enforcement powers, are carried into operation by either a public office or a contract.

*“All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.”*

*[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

2. Based on the above, any government that wishes to enforce a CIVIL statutory obligation on your part has the burden of proving that you CONSENTED to either a contract with them or an office within their specific government.
3. The fundamental law, including the Declaration of Independence, LIMITS what you are allowed to consent to and the corresponding surrender of otherwise private rights.

- 3.1. It says that rights are UNALIENABLE in relation to a real de jure government. Hence, the ONLY place you can lawfully consent to surrender a constitutional right is either abroad or on federal territory not protected by the Constitution. Some people claim incorrectly that the Declaration of Independence is not organic law. In fact, it was enacted into law on the first page of the Statutes At Large and therefore has the “force of law”.

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

*“*  
*[Declaration of Independence]*

- 3.2. You therefore cannot lawfully consent to alienate unalienable rights.

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

- 3.3. Therefore you are not ALLOWED by law to surrender rights to the national government or make yourself subject to their civil statutory codes or franchises, even WITH your consent.

- 3.4. Therefore, there is no way for the government to prove in item 2 above that you lawfully gave up your private rights to become subject to the civil statutory protection franchise “codes”.

4. A STATUTORY civil “citizen\*\*+D” is an AGENT and SERVANT of the national government.

- 4.1. That is the basis, in fact, for Lincoln’s Gettysburg Address in which he called America a “government of the people, by the people, and for the people”.

- 4.2. The U.S. Supreme Court admitted that “citizens\*” are agents and officers of the government in the following:

*“Under our own systems of polity, the term ‘citizen’, implying the same or similar relations to the government and to society which appertain to the term, ‘subject’ in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptation only, therefore, that the term ‘citizen’, in the article of the Constitution, can be received and understood.”*

*[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]*

1 5. The AGENCY called “citizen\*” above is the only proper object of all civil legislation of the national government. That  
2 agency is called a PUBLIC OFFICER.

3 “As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be  
4 exercised in behalf of the government or of all citizens who may need the intervention of the officer.”<sup>48</sup>  
5 Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level  
6 of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under  
7 every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain  
8 from a discharge of their trusts.<sup>49</sup> That is, a public officer occupies a fiduciary relationship to the political  
9 entity on whose behalf he or she serves.<sup>50</sup> and owes a fiduciary duty to the public.<sup>51</sup> It has been said that the  
10 fiduciary responsibilities of a public officer cannot be less than those of a private individual.<sup>52</sup> Furthermore,  
11 it has been stated that any enterprise undertaken by the public official which tends to weaken public confidence  
12 and undermine the sense of security for individual rights is against public policy.<sup>53</sup>  
13 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

14 6. Those who are domiciled in a CONSTITUTIONAL state would be a CONSTITUTIONAL POLITICAL “citizen[\*] of  
15 the United States[\*\*\*]” under the Fourteenth Amendment, Section 1.

16 6.1. We call these people “state nationals”.

17 6.2. If they ALSO participate in the government as a jurist or voter, they become “state citizens”.

18 7. A “state national” can be present on LAND within a CONSTITUTIONAL state WITHOUT exercising agency on behalf  
19 of any government. In that case, they would not be a STATUTORY civil citizen\*+D under state law. They would do  
20 this by, for instance:

21 7.1. Refusing to register to vote.

22 7.2. Saying they are NOT a “U.S. citizen” when they receive a jury summons.

23 7.3. Not participating in any government franchises. All franchises presuppose that those participating are public  
24 officers in the government.

25 8. A “state citizen” or “state national”, if they do NOT have a domicile on federal TERRITORY WITHIN the state, would:

26 8.1. Instead be “nonresidents” for the purpose of federal jurisdiction.

27 8.2. Not have STATUTORY civil “citizenship” under 8 U.S.C. §1332. Instead, they would use Article III, Section 2  
28 for diversity of citizenship.

29 9. Using the word “citizenship” rather than “citizen” in relation to a specific human is the method of expressing and  
30 identifying AGENCY and/or OFFICE on behalf of a specific government:

31 “Citizenship implies more than residence [domicile]. It carries with it the idea of identification with the state  
32 and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state  
33 and possesses social and political rights under the Constitution and laws thereof. *Harding v. Standard Oil Co.*  
34 *et al.* (C.C.), 182 F. 421; *Baldwin v. Franks*, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; *Scott v. Sandford*, 19  
35 *How.* 393, 476, 15 L.Ed. 691.”  
36 [*Baker v. Keck*, 13 F.Supp. 486 (1936)]

37 10. Federal courts recognize the distinction between “citizen” and “citizenship” in diversity of citizenship cases.  
38 CONSTITUTIONAL “citizen of the United States\*\*\*” requires only DOMICILE to acquire this CONSTITUTIONAL

<sup>48</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

<sup>49</sup> Georgia Dep’t of Human Resources v. Sistrunk, 249 Ga. 543, 291 S.E.2d. 524. A public official is held in public trust. Madlener v. Finley, 161 Ill.App.3d. 796, 113 Ill.Dec. 712, 515 N.E.2d. 697 (1st Dist), app gr 117 Ill.Dec. 226, 520 N.E.2d. 387 and revd on other grounds 128 Ill.2d. 147, 131 Ill.Dec. 145, 538 N.E.2d. 520.

<sup>50</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>51</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little, 889 F.2d. 1367 (CA5 Miss)) 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>52</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>53</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).



POLITICAL status per the Fourteenth Amendment. The word “CITIZENSHIP” adds to CONSTITUTIONAL “citizen of the United States” an AGENCY and office that allows STATUTORY diversity under 28 U.S.C. §1332:

“To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party’s citizenship.”, “[a]lverments of residence are wholly insufficient for purposes of removal.”, “[a]lthough ‘citizenship’ and ‘residence’ may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence [domicile] alone.”  
[Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)]

11. Since obligations spoken of in Baker v. Keck, 13 F.Supp. 486 (1936) attach to the status of STATUTORY “citizen”, then the civil STATUS of “citizen” must be voluntary, or else the Thirteenth Amendment would be violated.

**“The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.”**  
[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]]

The “citizen” above “cannot complain” BECAUSE he had to VOLUNTEER to become a citizen. Otherwise he would simply be a “nonresident” beyond the jurisdiction of the civil statutory law and protected only by the common law. It is a maxim of law that anything you consent to cannot form the basis for an injury in any court.

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

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

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

*Nemo videtur fraudare eos qui sciunt, et consentiunt.*  
*One cannot complain of having been deceived when he knew the fact and gave his consent. Dig. 50, 17, 145.”*  
[Bouvier’s Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviereMaxims.htm>]

12. One volunteers to become a CONSTITUTIONAL/POLITICAL “citizen[\*] of the United States[\*\*\*]” by choosing a domicile within the exclusive jurisdiction of a specific state government. This is revealed by the Fourteenth Amendment, Section 1, which says one must “reside” in a state to be a “citizen of the United States” under that amendment. The courts have interpreted the word “reside” to mean DOMICILE rather than mere physical presence as we showed earlier in section 3.8.

U.S. Constitution:  
[Fourteenth Amendment](#)

Section. 1. All persons **born or naturalized in the United States[\*\*\*]** and subject to the jurisdiction thereof, are citizens of the United States[\*\*\*] and of the State wherein they reside.

13. A CONSTITUTIONAL political citizen\* transitions to a STATUTORY civil “citizen\*\*+D of the United States\*\*\*” by engaging in a public office:

13.1. That can only happen through a lawful election or appointment, and THAT statutory civil “citizen\*\*+D” is a representative and officer of the corporation “United States” defined in 28 U.S.C. §3002(15)(A) pursuant to Federal Rule of Civil Procedure 17(b).

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

13.2. The OFFICE is the object of the obligations spoken of in Baker v. Keck, 13 F.Supp. 486 (1936).

14. Domicile, in turn, MUST be voluntary. Hence, being a statutory civil “citizen\*\*+D” is also voluntary. Otherwise it would be UNJUST per the Declaration of Independence, which says that all just powers of government derive from CONSENT.

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

15. Those who either DO NOT choose a domicile in a specific place OR who refuse to become STATUTORY citizens are called:

15.1. “nonresidents”.

15.2. “non-resident non-persons” from a civil perspective.

15.3. Transient foreigners”.

15.4. “In transitu”.

16. It is a violation of PRIVATE rights, an unlawful taking of private property, and involuntary servitude to:

16.1. FORCE someone to be a statutory “citizen”.

16.2. PRESUME they are one because they are merely PRESENT in a place.

16.3. IMPOSE or ENFORCE the DUTIES of a STATUTORY civil citizen\*\*+D upon a non-consenting party without at least satisfying the burden of proof that they CONSENTED to the civil status and had the lawful CAPACITY to consent by virtue of a domicile on federal territory.

17. Even for those that ARE STATUTORY civil “citizens\*\*+D”, they only have that status for the SPECIFIC franchises of voting and jury service but not for ANY other purpose. They may NOT, in fact, lawfully act as a public officer or agent for any purpose OTHER than voting or jury service.

18. If the status of STATUTORY civil “citizen\*\*+D” or “resident” is used as a basis for income tax, then the income tax becomes an unconstitutional poll tax, because one cannot have the status of STATUTORY civil “citizen\*\*+D” WITHOUT a domicile. THAT is why “citizens” and “residents” must be ABROAD in a foreign country under 26 U.S.C. §911 before they can become the subject of the income tax and why in that capacity, they are actually “aliens” coming under a tax treaty with a foreign country. That is also the ONLY way they can interface to the Internal Revenue Code, because 26 C.F.R. §1.1441-1(c)(3) defines “individual” as ALIEN and not a “citizen” or “resident”.

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

It therefore appears to us that a statutory civil “citizen\*\*+D” or “resident” is really just a public office in the U.S. government that you effectively “elect” yourself into by claiming the “benefits” of the statutory status. That office is a franchisee with an effective domicile on federal territory not within any state of the Union. President Obama even admitted this in his Farewell address! See:

President Obama Admits in His Farewell Address that “Citizen” is a Public Office, Exhibit #01.018  
YOUTUBE: <https://youtu.be/XjVyEZU0mlc>  
SEDM Exhibits Page: <http://sedm.org/Exhibits/ExhibitIndex.htm>

The corrupt courts are unlawfully allowing the creation of this public office, legal “person”, “res”, and franchisee using your consent. They have thus made a profitable business out of alienating rights that are supposed to be unalienable, in violation of the legislative intent of the Declaration of Independence and the U.S. Constitution. The money changers., who are priests of the civil religion of socialism called “judges”, have taken over the civic temple called government and made it into a WHOREHOUSE for their own lucrative PERSONAL gain:

1 "But those who desire to be rich fall into temptation and a snare, and into many foolish and harmful lusts which  
2 drown men in destruction and perdition. For the love of money is a root of all kinds of evil, for which some  
3 have strayed from the faith in their greediness, and pierced themselves through with many sorrows."  
4 [1 Tim. 6: 9-10, Bible, NKJV]  
5

6 "franchise court. Hist. A privately held court that (usu.) exists by virtue of a royal grant [privilege], with  
7 jurisdiction over a variety of matters, depending on the grant and whatever powers the court acquires over time.  
8 In 1274, Edward I abolished many of these feudal courts by forcing the nobility to demonstrate by what authority  
9 (quo warranto) they held court. If a lord could not produce a charter reflecting the franchise, the court was  
10 abolished. - Also termed courts of the franchise.

11 Dispensing justice was profitable. Much revenue could come from the fees and dues, fines and amercements. This  
12 explains the growth of the second class of feudal courts, the Franchise Courts. They too were private courts held  
13 by feudal lords. Sometimes their claim to jurisdiction was based on old pre-Conquest grants ... But many of them  
14 were, in reality, only wrongful usurpations of private jurisdiction by powerful lords. These were put down after  
15 the famous Quo Warranto enquiry in the reign of Edward I." W.J.V. Windeyer, *Lectures on Legal History* 56-57  
16 (2d ed. 1949)."  
17 [Black's Law Dictionary, Seventh Edition, p. 668]

18 Notice the above language: "private courts held by feudal lords". Judges who enforce their own franchises within the  
19 courtroom by imputing a franchise status against those protected by the Constitution who are not lawfully allowed to alienate  
20 their rights or give them away are acting in a private capacity to benefit themselves personally. That private capacity is  
21 associated with a de facto government in which greed is the only uniting factor. Contrast this with love for our neighbor,  
22 which is the foundation of a de jure government. When Judges act in such a private, de facto capacity, the following results:

- 23 1. The judge is the "feudal lord" and you become his/her personal serf. By "lord" we really mean a pagan deity who has  
24 supernatural powers and you become the compelled worshipper of that deity or face commercial destruction. The U.S.  
25 Supreme Court calls this "lord" a "parens patriae":

26 "The proposition is that the United States, as the grantor of the franchises of the company [a corporation, in  
27 this case], the author of its charter, and the donor of lands, rights, and privileges of immense value, and as  
28 parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted  
29 for the benefit of the public."  
30 [U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]  
31

32 PARENS PATRIAE. Father of his country; parent of the country. In England, the king. In the United States, the  
33 state, as a sovereign-referring to the sovereign power of guardianship over persons under disability; In re  
34 Turner, 94 Kan. 115, 145 P. 871, 872, Ann.Cas.1916E, 1022; such as minors, and insane and incompetent  
35 persons; McIntosh v. Dill, 86 Okl. 1, 205 P. 917, 925.  
36 [Black's Law Dictionary, Sixth Edition, p. 1269]

- 37 2. PRIVATE rights become PUBLIC privileges, and the transformation usually occurs at the point of a gun held by a  
38 corrupt officer of the government intent on enlarging his/her pay check or retirement check. And he/she is a  
39 CRIMINAL for proceeding with such a financial conflict of interest:

40 [TITLE 18 > PART 1 > CHAPTER 11 > § 208](#)  
41 [§ 208. Acts affecting a personal financial interest](#)

42 (a) Except as permitted by subsection (b) hereof, whoever, being an officer or employee of the executive branch  
43 of the United States Government, or of any independent agency of the United States, a Federal Reserve bank  
44 director, officer, or employee, or an officer or employee of the District of Columbia, including a special  
45 Government employee, participates personally and substantially as a Government officer or employee, through  
46 decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in a  
47 judicial or other proceeding, application, request for a ruling or other determination, contract, claim,  
48 controversy, charge, accusation, arrest, or other particular matter in which, to his knowledge, he, his spouse,  
49 minor child, general partner, organization in which he is serving as officer, director, trustee, general partner  
50 or employee, or any person or organization with whom he is negotiating or has any arrangement concerning  
51 prospective employment, has a financial [or personal/private] interest—

52 Shall be subject to the penalties set forth in section [216](#) of this title.

- 53 3. Equality and equal protection are replaced with the following consequences under a franchise:  
54 3.1. Privilege.

3.2. Partiality.

3.3. Bribes.

3.4. Servitude and slavery.

3.5. Hypocrisy.

4. The franchise statutes are the “bible” of a pagan state-sponsored religion. The bible isn’t “law” for non-believers, and civil franchise statutes aren’t “law” for those who are not consensually occupying a public office in the government as a franchisee called a “citizen”, “resident”, “taxpayer”, “driver”, etc. See:

*Socialism: The New American Civil Religion*, Form #05.016

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

5. You join the religion by “worshipping”, and therefore obeying what are actually voluntary franchises. The essence of “worship”, in fact, is obedience to the dictates of a superior being. Franchises make your public servants into superior beings and replace a republic with a dulocracy. “Worship” and obedience becomes legal evidence of consent to the franchise.

*“And the Lord said to Samuel, ‘Heed the voice of the people in all that they say to you; for they have rejected Me [God], that I should not reign over them.’ According to all the works which they have done since the day that I brought them up out of Egypt, even to this day—with which they have forsaken Me and served [as PUBLIC OFFICERS/FRANCHISEES] other gods [Rulers or Kings, in this case]—so they are doing to you also [government becoming idolatry].”*  
[1 Sam 8:4-20, Bible, NKJV]

6. “Presumption” serves as a substitute for religious “faith” and is employed to create an unequal relationship between you and your public servants. It replaces the citizen/public servant relationship with the employer/employee relationship, where you are the employee of your public servant. See:

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

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

7. “Taxes” serve as a substitute for “tithes” to the state-sponsored church of socialism that worships civil rulers, men and creations of men instead of the true and living God.

8. The judge’s bench becomes:

8.1. An altar for human sacrifices, where YOU and your property are the sacrifice. All pagan religions are based on sacrifice of one kind or another.

8.2. What the Bible calls a “throne of iniquity”:

*“Shall the throne of iniquity, which devises evil by law, have fellowship with You? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the Lord our God shall cut them off.”*  
[Psalm 94:20-23, Bible, NKJV]

9. All property belongs to this pagan god and you are just a custodian over it as a public officer. You have EQUITABLE title but not LEGAL title to the property you FALSELY BELIEVE belongs to you. The Bible franchise works the same way, because the Bible says the Heavens and the Earth belong to the LORD and NOT to believers. Believers are “trustees” over God’s property under the Bible trust indenture:

*“Indeed heaven and the highest heavens belong to the LORD your God, also the earth with all that is in it.”*  
[Deut. 10:15, Bible, NKJV]

*“The ultimate ownership of all property is in the State; individual so-called “ownership” is only by virtue of Government, i.e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State.”*

[Senate Document #43, Senate Resolution No. 62, p. 9, paragraph 2, 1933]

SOURCE: <http://www.famguardian.org/Subjects/MoneyBanking/History/SenateDoc43.pdf>

10. The court building is a “church” where you “worship”, meaning obey, the pagan idol of government.

*“Now, Mr. Speaker, this Capitol is the civic temple of the people, and we are here by direction of the people to reduce the tariff tax and enact a law in the interest of all the people. This was the expressed will of the people at the polls, and you promised to carry out that will, but you have not kept faith with the American people.”*  
[44 Cong.Rec. 4420, July 12, 1909; Congressman Heflin talking about the enactment of the Sixteenth Amendment]

11. The licensed attorneys are the “deacons” of the state-sponsored civil religion who conduct the “worship services” directed at the judge at his satanic altar/bench. They are even ordained by the “chief priests” of the state supreme court, who are the chief priests of the civil religion.
12. Pleadings are “prayers” to this pagan deity. Even the U.S. Supreme Court still calls pleadings “prayers”, and this is no accident.
13. Like everything that SATAN does, the design of this state-sponsored satanic church of socialism that worships men instead of God is a cheap IMITATION of God’s design for de jure government found throughout the Holy Bible.

NOW do you understand why in Britain, judges are called “your worship”? Because they are like gods:

*“worship 1. chiefly Brit: a person of importance—used as a title for various officials (as magistrates and some mayors) 2: reverence offered a divine being or supernatural power; also: an act of expressing such reverence 3: a form of religious practice with its creed and ritual 4: extravagant respect or admiration for or devotion to an object of esteem <~ the dollar>.”*  
[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 1361]

Psalm 82 (Amplified Bible)  
A Psalm of Asaph.

**GOD STANDS** in the assembly [of the representatives] of God; **in the midst of the magistrates or judges** He gives judgment [as] among the gods.

**How long will you [magistrates or judges] judge unjustly and show partiality to the wicked?** Selah [pause, and calmly think of that]!

Do justice to the weak (poor) and fatherless; maintain the rights of the afflicted and needy.

Deliver the poor and needy; rescue them out of the hand of the wicked.

**[The magistrates and judges] know not, neither will they understand; they walk on in the darkness [of complacent satisfaction]; all the foundations of the earth [the fundamental principles upon which rests the administration of justice] are shaking.**

**I said, You are gods [since you judge on My behalf, as My representatives]; indeed, all of you are children of the Most High.**

But you shall die as men and fall as one of the princes.

Arise, O God, judge the earth! For to You belong all the nations.  
[Psalm 82, Amplified Bible]

## **6. YOU’RE NOT THE CIVIL “CITIZEN” IN THE INTERNAL REVENUE CODE BUT RATHER A NONRESIDENT ALIEN**

*“Unless the defendant can prove he is **not** a citizen of the United States\*\* [under 8 U.S.C. §1401 and NOT the constitution], the IRS has the right to inquire and determine a tax liability.”*  
[U.S. v. Slater, 545 Fed.Supp. 179,182 (1982).]

### **6.1 MALICIOUS Equivocation of CIVIL v. POLITICAL Citizenship Contexts to Deceive you**

There are TWO contexts in which one may be a “citizen”, and these two contexts are mutually exclusive and not overlapping:

1. **CIVIL**: Relies on CIVIL statutory definitions of “United States\*\*”, which mean federal territory that is no part of any state of the Union.
2. **POLITICAL**: Relies on the POLITICAL meaning of “United States”, which means states of the Union and excludes federal territory.

Within the field of citizenship, CONTEXT is everything in discerning the meaning of geographical terms. By “context”, we mean ONE of the two contexts as indicated above:



1 "Citizenship of the United States is defined by the Fourteenth Amendment and federal statutes, **but the**  
2 **requirements for citizenship of a state generally depend not upon**  
3 **definition but the constitutional or statutory context in which the term is**  
4 **used. *Risewick v. Davis*, 19 Md. 82, 93 (1862); *Halaby v. Board of***  
5 ***Directors of University of Cincinnati*, 162 Ohio St. 290, 293, 123 N.E.2d**  
6 **3 (1954) and authorities therein cited.**

7 The decisions illustrate the diversity of the term's usage. In *Field v. Adreon*, 7 Md. 209 (1854), our predecessors  
8 held that an unnaturalized foreigner, residing and doing business in this State, was a citizen of Maryland within  
9 the meaning of the attachment laws. The Court held that the absconding debtor was a citizen of the State for  
10 commercial or business purposes, although not necessarily for political purposes. *Dorsey v. Kyle*, 30 Md. 512,  
11 518 (1869), is to the same effect. Judge Alvey, for the Court, said in that case, that 'the term citizen, used in the  
12 formula of the affidavit prescribed by the 4th section of the Article of the Code referred to, is to be taken as  
13 synonymous with inhabitant or permanent resident.'

14 Other jurisdictions have equated residence with citizenship of the state for political and other non-commercial  
15 purposes. In *re Wehlitz*, 16 Wis. 443, 446 (1863), held that the Wisconsin statute designating 'all able-bodied,  
16 white, male citizens' as subject to enrollment in the militia included an unnaturalized citizen who was a resident  
17 of the state. 'Under our complex system of government,' the court said, 'there may be a citizen of a state, who  
18 is not a citizen of the United States in the full sense of the term.' *McKenzie v. Murphy*, 24 Ark. 155, 159 (1863),  
19 held that an alien, domiciled in the state for over ten years, was entitled to the homestead exemptions provided  
20 by the Arkansas statute to 'every free white citizen of this state, male or female, being a householder or head  
21 of a family \* \* \*'. The court said: 'The word 'citizen' is often used in common conversation and writing, as  
22 meaning only an inhabitant, a resident of a town, state, or county, without any implication of political or civil  
23 privileges; and we think it is so used in our constitution.' *Halaby v. Board of Directors of University*, *supra*,  
24 involved the application of a statute which provided free university instruction to citizens of the municipality  
25 in which the university is located. The court held that the plaintiff, an alien minor whose parents were residents  
26 of and conducted a business in the city, was entitled to the benefits of that statute, saying: 'It is to be observed  
27 that the term, 'citizen,' is often used in legislation where 'domicile' is meant and where United States citizenship  
28 has no reasonable relationship to the subject matter and purpose of the legislation in question.'

29 Closely in point to the interpretation of the constitutional provision here involved is a report of the Committee of  
30 Elections of the House of Representatives, made in 1823. A petitioner had objected to the right of a Delegate to  
31 retain his seat from what was then the Michigan Territory. One of the objections was that the Delegate had not  
32 resided in the Territory one year previous to the election in the status of a citizen of the United States. An act of  
33 Congress passed in 1819, 3 Stat. 483 provided that 'every free white male citizen of said Territory, above the age  
34 of twenty-one years, who shall have resided therein one year next preceding' an election shall be entitled to vote  
35 at such election for a delegate to Congress. An act of 1823, 3 Stat. 769 provided that all citizens of the United  
36 States having the qualifications set forth in the former act shall be eligible to any office in the Territory. The  
37 Committee held that the statutory requirement of citizenship of the Territory for a year before the election did not  
38 mean that the aspirant for office must also have been a United States citizen during that period. The report said:  
39 'It is the person, the individual, the man, who is [221 A.2d 435] spoken of, and who is to possess the qualifications  
40 of residence, age, freedom, &c. at the time he offers to vote, or is to be voted for \* \* \*.' Upon the filing of the  
41 report, and the submission of a resolution that the Delegate was entitled to his seat, the contestant of the  
42 Delegate's election withdrew his protest, and the sitting Delegate was confirmed. *Biddle v. Richard, Clarke and*  
43 *Hall, Cases of Contested Elections in Congress (1834) 407, 410.*

44 There is no express requirement in the Maryland Constitution that sheriffs be United States citizens. Voters must  
45 be, under Article I, Section 1, but Article IV, Section 44 does not require that sheriffs be voters. A person does  
46 not have to be a voter to be a citizen of either the United States or of a state, as in the case of native-born minors.  
47 In Maryland, from 1776 to 1802, the Constitution contained requirements of property ownership for the exercise  
48 of the franchise; there was no exception as to native-born citizens of the State. *Steiner, Citizenship and Suffrage*  
49 *in Maryland (1895) 27, 31.*

50 The Maryland Constitution provides that the Governor, Judges and the Attorney General shall be qualified voters,  
51 and therefore, by necessary implication, citizens of the United States. Article II, Section 5, Article IV, Section 2,  
52 and Article V, Section 4. The absence of a similar requirement as to the qualifications of sheriffs is significant.  
53 So also, in our opinion, is the absence of any period of residence for a sheriff except that he shall have been a  
54 citizen of the State for five years. The Governor, Judges and Attorney General in addition to being citizens of the  
55 State and qualified voters, must have been a resident of the State for various periods. The conjunction of the  
56 requisite period of residence with state citizenship in the qualifications for sheriff strongly indicates that, as in  
57 the authorities above referred to, state citizenship, as used in the constitutional qualifications for this office, was  
58 meant to be synonymous with domicile, and that citizenship of the United States is not required, even by  
59 implication, as a qualification for this office. The office of sheriff, under our Constitution, is ministerial in nature;  
60 a sheriff's function and province is to execute duties prescribed by law. See *Buckeye Dev. Corp. v. Brown &*  
61 *Schilling, Inc., Md., 220 A.2d. 922*, filed June 23, 1966 and the concurring opinion of Le Grand, C. J. in *Mayor*  
62 *& City Council of Baltimore v. State, ex rel. Bd. of Police, 15 Md. 376, 470, 488-490 (1860).*

1 It may well be that the phrase, 'a citizen of the State,' as used in the constitutional provisions as to qualifications,  
2 implies that a sheriff cannot owe allegiance to another nation. By the naturalization act of 1779, the Legislature  
3 provided that, to become a citizen of Maryland, an alien must swear allegiance to the State. The oath or  
4 affirmation provided that the applicant renounced allegiance 'to any king or prince, or any other State or  
5 Government.' Act of July, 1779, Ch. VI; Steiner, op. cit. 15. In this case, on the admitted facts, there can be no  
6 question of the appellant's undivided allegiance.

7 The court below rested its decision on its conclusion that, under the Fourteenth Amendment, no state may confer  
8 state citizenship upon a resident alien until such resident alien becomes a naturalized citizen of the United States.  
9 The court relied, as does not Board in this appeal, upon *City of Minneapolis v. Reum*, 56 F. 576, 581 (8th Cir.  
10 1893). In that case, an alien resident of Minnesota, who had declared his intention to become a citizen of the  
11 United States but had not been naturalized, brought a suit, based on diversity of citizenship, against the city in  
12 the Circuit Court of the United States for the District of Minnesota under Article III, Section 2 of the United States  
13 Constitution which provides that the federal judicial power shall extend to 'Controversies between \* \* \* a State,  
14 or the Citizens thereof, and foreign States, Citizens or Subjects.' At the close of the evidence, the defendant moved  
15 to dismiss the action for want of jurisdiction, on the [221 A.2d 436] ground that the evidence failed to establish  
16 the allegation that the plaintiff was an alien. The court denied the motion, the plaintiff recovered judgment, and  
17 the defendant claimed error in the ruling on jurisdiction. The Circuit Court of Appeals affirmed. Judge Sanborn,  
18 for the court, stated that even though the plaintiff were a citizen of the state, that fact could not enlarge or restrict  
19 the jurisdiction of the federal courts over controversies between aliens and citizens of the state. The court said:  
20 'It is not in the power of a state to denationalize a foreign subject who has not complied with the federal  
21 naturalization laws, and constitute him a citizen of the United States or of a state, so as to deprive the federal  
22 courts of jurisdiction \* \* \*.'

23 *Reum* dealt only with the question of jurisdiction of federal courts under the diversity of citizenship clause of the  
24 federal Constitution. That a state cannot affect that jurisdiction by granting state citizenship to an unnaturalized  
25 alien does not mean it cannot make an alien a state citizen for other purposes. Under the Fourteenth Amendment  
26 all persons born or naturalized in the United States are citizens of the United States and of the state in which they  
27 reside, but we find nothing in *Reum* or any other case which requires that a citizen of a state must also be a citizen  
28 of the United States, if no question of federal rights or jurisdictions is involved. As the authorities referred to in  
29 the first portion of this opinion evidence, the law is to the contrary.

30 Absent any unconstitutional discrimination, a state has the right to extend qualification for state office to its  
31 citizens, even though they are not citizens of the United States. This, we have found, is what Maryland has done  
32 in fixing the constitutional qualifications for the office of sheriff. The appellant meets the qualifications which our  
33 Constitution provides."

34 [*Crosse v. Board of Sup'rs of Elections of Baltimore City*, 221 A.2d. 431, 243 Md. 555 (Md., 1966) ]

35 The confusion over citizenship prevalent today is caused by a deliberate confusion of the above two contexts with each other  
36 so as to make every American appear to be a statutory civil citizen++D and therefore a public officer of the "United States  
37 Inc" government corporation. This fact was first identified by the U.S. Supreme Court as follows:

38 "Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and  
39 to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used  
40 is designed to apply to man in his individual character and to his natural capacities -- to a being or agent  
41 [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral  
42 obligations. It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution,  
43 can be received and understood. When distributing the judicial power, that article extends it to controversies  
44 between 'citizens' of different states. This must mean the natural physical beings composing those separate  
45 communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical,  
46 and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind,  
47 invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms  
48 or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of  
49 the United States."

50 "Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is  
51 it capable of suffering a traitor's or felon's punishment, for it is not liable to corporeal penalties -- that it can  
52 perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be  
53 arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be  
54 excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of  
55 the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a  
56 corporation could be transformed into a citizen, and by that transformation be given a physical existence, and  
57 endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from  
58 the decisions of the cases of *Bank of the United States v. Deveaux* and of *Cincinnati & Louisville Railroad*  
59 *Company v. Letson* afford some illustration of the effects which must ever follow a departure from the settled  
60 principles of the law. These principles are always traceable to a wise and deeply  
61 founded experience; they are therefore ever consentaneous and in

**harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion."**

[Rundle v. Delaware & Raritan Canal Company 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

**"The principal issue in this petition is the territorial scope of the term 'the United States' in the Citizenship Clause of the Fourteenth Amendment. U.S. Const. amend. XIV, § 1 ('All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.' (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was 'born ... in the United States' and is therefore a United States citizen. <sup>54</sup>**

Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. INS, 35 F.3d 1449, 1452 (9th Cir.1994) ("**No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment.**"), cert. denied sub nom. Sanidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, **the Ninth Circuit held that 'birth in the Philippines during the territorial period does not constitute birth 'in the United States' under the Citizenship Clause of the Fourteenth Amendment,** and thus does not give rise to United States citizenship." Rabang, 35 F.3d at 1452. We agree. <sup>55</sup>

Despite the novelty of petitioner's argument, **the Supreme Court in the Insular Cases <sup>56</sup> provides authoritative guidance on the territorial scope of the term 'the United States' in the Fourteenth Amendment.** The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the United States. **The Court considered the territorial scope of the term 'the United States' in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union.** U.S. Const. art. I, § 8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see Downes v. Bidwell, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("**It can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives.**"); Rabang, 35 F.3d at 1452. **Puerto Rico was merely a territory 'appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution.'** Downes, 182 U.S. at 287, 21 S.Ct. at 787.

The Court's conclusion in Downes was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend XIV, § 1 (emphasis added). **The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are not part of the Union" to which the Thirteenth Amendment would apply.** Downes, 182 U.S. at 251, 21 S.Ct. at 773. **Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States'] jurisdiction,' " but is limited to persons born or naturalized in the states of the Union.** Downes, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also id. at 263, 21 S.Ct. at 777 ("**In dealing with foreign sovereignties,**

<sup>54</sup> Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. § 1105a(a)(5).

<sup>55</sup> For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. Dorr v. United States, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing Downes v. Bidwell, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. United States v. Verdugo-Urquidez, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056, 1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[ ]").

<sup>56</sup> De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

1 the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories  
2 subject to the jurisdiction of the Federal government, wherever located.'').<sup>57</sup>

3 Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its  
4 status as a United States territory, was not a part of the United States. See *Hooven & Allison Co. v. Evatt*, 324  
5 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("As we have seen, [the Philippines] are not a part of the  
6 United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as  
7 do the states which are united by and under it."); see *id.* at 673-74, 65 S.Ct. at 881 (*Philippines "are territories*  
8 *belonging to, but not a part of, the Union of states under the Constitution,*" and therefore imports "brought  
9 from the Philippines into the United States ... are brought from territory, which is not a part of the United States,  
10 into the territory of the United States.").

11 Accordingly, the Supreme Court has observed, without deciding, that persons born in the Philippines prior to  
12 its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States. See *Barber v. Gonzales*,  
13 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the  
14 Philippines during the territorial period were "nationals" of the United States, they were not "United States  
15 citizens"); *Rabang v. Boyd*, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("The  
16 inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of  
17 the United States, do not possess right of free entry into the United States." (emphasis added) (citation and  
18 internal quotation marks omitted)).  
19 [*Valmonte v. I.N.S.*, 136 F.3d. 914 (C.A.2, 1998)]

20 The CIVIL context for the term "citizen\*\*+D" described in 26 C.F.R. §1.1-1(a) and (b) and 26 U.S.C. §3121(e) relies on the  
21 geographical term "United States\*\*" found in 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d), which means federal  
22 territory and not a state of the Union. Therefore, the "citizen" and "U.S. person" found in the Internal Revenue Code is a  
23 TERRITORIAL rather than a STATE citizen. For details on why STATUTORY "citizens" are all public officers and not  
24 private humans, read:

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

25 The U.S. Supreme Court has held in [Hooven & Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#) that there are THREE different  
26 meanings and contexts for the word "United States". Hence, there are THREE different types of "citizens of the United  
27 States" as used in federal statutes and the Constitution. All three types of citizens are called "citizens of the United States",  
28 but each relies on a different meaning of the "United States". The meaning that applies depends on the context. For instance,  
29 the meaning of "United States" as used in the Constitution implies states of the Union and excludes federal territory, while  
30 the term "United States" within federal statutory law means federal territory and excludes states of the Union. Here is an  
31 example demonstrating the Constitutional context. Note that they use "part of the United States within the meaning of the  
32 Constitution", and the word "the" and the use of the singular form of "meaning" implies only ONE meaning, which means  
33 states of the Union and excludes federal territory:

34 "As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during  
35 good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of  
36 judges for limited time, it must act independently of the Constitution upon territory which is not part of the  
37 United States within the meaning of the Constitution."  
38 [*O'Donoghue v. United States*, [289 U.S. 516](#), 53 S.Ct. 740 (1933)]

39 The U.S. Supreme Court and lower courts have also held specifically that:

- 40 1. The statutes conferring citizenship in Title 8 of the U.S. Code, except in the case of 8 U.S.C. §1401(a), are a  
41 PRIVILEGE and not a CONSTITUTIONAL RIGHT, and are therefore not even necessary in the case of state citizens.

42 "Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as  
43 a statutory [PRIVILEGE], and not a constitutional, right. In the unincorporated territories of Puerto Rico,  
44 Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their  
45 inhabitants by various statutes many years after the United States acquired them. See *Amicus Br.* at 10-11. If the  
46 Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have  
47 been unnecessary."

<sup>57</sup> Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See *Downes*, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").



2. A citizen\* of the District of Columbia is NOT equivalent to a constitutional citizen\*. Note also that the "United States\*\*" as defined in the Internal Revenue Code, for instance, includes the "District of Columbia" and nowhere expressly includes states of the Union in 26 U.S.C. §7701(a)(9) and (a)(10). We therefore conclude that the statutory term "citizen\* of the United States\*\*" as used in 8 U.S.C. §1401 includes District of Columbia citizens and all those domiciled on federal territory as "statutory civil citizens" and EXCLUDES those domiciled within states of the Union:

"The 1st section of the 14th article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens."

[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

3. An 8 U.S.C. §1401 "national and citizen\* of the United States\*\* at birth" born on federal territory or abroad is NOT a CONSTITUTIONAL citizen\* mentioned in the Fourteenth Amendment when it held:

"The Court today holds that Congress can indeed rob a citizen of his citizenship just so long as five members of this Court can satisfy themselves that the congressional action was not 'unreasonable, arbitrary,' ante, at 831; 'misplaced or arbitrary,' ante, at 832; or 'irrational or arbitrary or unfair,' ante, at 833. My first comment is that not one of these 'tests' appears in the Constitution. Moreover, it seems a little strange to find such 'tests' as these announced in an opinion which condemns the earlier decisions it overrules for their resort to cliches, which it describes as 'too handy and too easy, and, like most cliches, can be misleading'. Ante, at 835. That description precisely fits those words and clauses which the majority uses, but which the Constitution does not.

The Constitution, written for the ages, cannot rise and fall with this Court's passing notions of what is 'fair,' or 'reasonable,' or 'arbitrary.'[. . .]

The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. While conceding that Bellei is an American citizen, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others. [. . .]

The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.' The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[. . .]

Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute. [Rogers v. Bellei, 401 U.S. 815 (1971)]



1 The basis of citizenship in the United States is the English doctrine under which nationality meant “birth within allegiance of  
2 the king”. The U.S. Supreme Court helped explain this concept precisely in the case of *U.S. v. Wong Kim Ark*, 169 U.S. 649  
3 (1898) :

4 “The supreme court of North Carolina, speaking by Mr. Justice Gaston, said: ‘Before our Revolution, all free  
5 persons born within the dominions of the king of Great Britain, whatever their color or complexion, were native-  
6 born British subjects; those born out of his allegiance were aliens.’ ‘Upon the Revolution, no other change took  
7 place in the law of North Carolina than was consequent upon the transition from a colony dependent on an  
8 European king to a free and sovereign [169 U.S. 649, 664] state.’ ‘British subjects in North Carolina  
9 became North Carolina freemen;’ ‘and all free persons born within the state are born citizens of the state.’ ‘The  
10 term ‘citizen,’ as understood in our law, is precisely analogous to the term ‘subject’ in the common law, and  
11 the change of phrase has entirely resulted from the change of government. The sovereignty has been  
12 transferred from the man to the collective body of the people; and he who before was a ‘subject of the king’ is  
13 now ‘a citizen of the state.’ *State v. Manuel* (1838) 4 Dev. & b. 20, 24-26. “  
14 [*U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)]

15 In our country following the victorious Revolution of 1776, the “king” was therefore replaced by “the people”, who are  
16 collectively and individually the “sovereigns” within our republican form of government. The group of people within  
17 whatever “body politic” one is referring to who live within the territorial limits of that “body politic” are the thing that you  
18 claim allegiance to when you claim “nationality” to any one of the following three distinctive political bodies:

- 19 1. A state of the Union.
- 20 2. The country “United States”, as defined in our Constitution.
- 21 3. The municipal government of the federal zone called the “District of Columbia”, which was chartered as a federal  
22 corporation under 16 Stat. 419 §1 and 28 U.S.C. §3002(15)(A).

23 Each of the three above political bodies have “citizens” who are distinctively their own. When you claim to be a “citizen” of  
24 any one of the three, you aren’t claiming allegiance to the government of that “body politic”, but to the people (the sovereigns)  
25 that the government serves. If that government is rebellious to the will of the people, and is outside the boundaries of the  
26 Constitution that defines its authority so that it becomes a “de facto” government rather than the original “de jure” government  
27 it was intended to be, then your allegiance to the people must be superior to that of the government that serves the people. In  
28 the words of Jesus Himself in John 15:20:

29 “Remember the word that I said to you, ‘A servant is not greater than his master.’”  
30 [*John 15:20, Bible, NKJV*]

31 The “master” or “sovereign” in this case, is the people, who have expressed their sovereign will through a written and  
32 unchangeable Constitution.

33 “The glory of our American system of government is that it was created by a written constitution which protects  
34 the people against the exercise of arbitrary, unlimited power, and the limits of which instrument may not be  
35 passed by the government it created, or by any branch of it, or even by the people who ordained it, except by  
36 amendment or change of its provisions.”  
37 [*Downes v. Bidwell*, 182 U.S. 244, 21 S.Ct. 770 (1901)]

38 This is a crucial distinction you must understand in order to fully comprehend the foundations of our republican system of  
39 government. Let’s look at the definition of “citizen\*” according to the U.S. Supreme Court in order to clarify the points we  
40 have made so far on what it means to be a “citizen\*” of our glorious republic:

41 “There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies  
42 an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons  
43 associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to  
44 its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a  
45 compensation for the other; allegiance for protection and protection for allegiance.”

46 “For convenience it has been found necessary to give a name to this membership. The object is to designate by a  
47 title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and  
48 ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the  
49 government. Citizen is now more commonly employed, however, and as it has been considered better suited to  
50 the description of one living under a republican government, it was adopted by nearly all of the States upon  
51 their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the  
52 Constitution of the United States. When used in this sense it is understood as conveying the idea of membership  
53 of a nation, and nothing more.”

"To determine, then, who were citizens of the United States before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership."

"Looking at the Constitution itself we find that it was ordained and established by 'the people of the United States,'<sup>3</sup> and then going further back, we find that these were the people of the several States that had before dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station among the powers of the earth,<sup>4</sup> and that had by Articles of Confederation and Perpetual Union, in which they took the name of 'the United States of America,' entered into a firm league of [88 U.S. 162, 167] friendship with each other for their common defence, the security of their liberties and their mutual and general welfare, binding themselves to assist each other against all force offered to or attack made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever. 5

"Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were."

[Minor v. Happersett, 88 U.S. 162 (1874), emphasis added]

The thing to focus on in the above is the phrase "he owes allegiance and is entitled to its protection". People domiciled in states of the Union have dual allegiance and dual nationality: They owe allegiance to two governments not one, so they are "dual-nationals". They are "dual nationals" because the states of the Union are independent nations<sup>58</sup>:

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

Likewise, those people who live in a federal "State" like Puerto Rico also owe dual allegiance: one to the District of Columbia, which is their municipal government and which possesses the police powers that protect them, and the other allegiance to the government of the United States of America, which is the general government for the whole country. As we said before, Congress wears two hats and operates in two capacities or jurisdictions simultaneously, each of which covers a different and mutually exclusive geographical area:

1. As the municipal government for the District of Columbia and all U.S. territories. All "acts of Congress" or federal statutes passed in this capacity are referred to as "private international law". This political community is called the "National Government".
2. As the general government for the states of the Union. All "acts of Congress" or federal statutes passed in this capacity are called "public international law". This political community is called the "Federal Government."

Each of the two capacities above has different types of "citizens" within it and each is a unique and separate "body politic". Most laws that Congress writes pertain to the first jurisdiction above only. Below is a summary of these two classes of "citizens":

**Table 6: Types of CIVIL citizens**

#	Jurisdiction	Land area	Name of "citizens"
1	Municipal government of the District of Columbia and all U.S. territories. Also called the "National Government"	"Federal zone" (District of Columbia + federal "States")	CIVIL "citizens*" or "nationals and citizens*" of the United States at birth" domiciled in the exclusive jurisdiction of Congress
2	General government for the states of the Union. Also called the "Federal Government"	"United States <u>of America</u> " ( <u>50 Union "states"</u> )	CIVIL "Constitutional citizens", "nationals but not citizens of the United States" as defined in 8 U.S.C. §1101(a)(21), "non-resident non-persons" under federal law and domiciled or residing in the exclusive jurisdiction of a Constitutional state.

<sup>58</sup> See *Bank of Augusta v. Earle*, 38 U.S. (13 Pet.) 519, 10 L.Ed. 274 (1839), in which the Supreme Court ruled:

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

1 The U.S. Supreme Court recognized the above two separate political and legislative jurisdictions and their respective separate  
2 types of POLITICAL and CIVIL "citizens" when it held the following:

3 *"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,*  
4 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
5 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
6 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
7 *public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except*  
8 *as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided*  
9 *always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.*  
10 *Whether this proposition was sound or not had never been judicially decided."*  
11 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

12 Federal CIVIL statutes and "acts of Congress" do not and cannot prescribe or affect the CIVIL citizenship status of human  
13 beings born in and domiciled in states of the Union and outside of the exclusive or general legislative jurisdiction of Congress.  
14 8 U.S.C. §1408(2) comes the closest to defining their citizenship status, but even that definition doesn't address most persons  
15 born in states of the Union neither of whose parents ever resided in the federal zone. No federal statute or "act of Congress"  
16 directly can or does prescribe the CIVIL status of people born in states of the Union because state law, and not federal law,  
17 prescribes their status under the Law of Nations.<sup>59</sup> The reason is because no government may write civil laws that apply  
18 outside of their subject matter or exclusive territorial jurisdiction, and states of the Union are STATUTORILY but not  
19 CONSTITUTIONALLY "foreign" to the United States government for the purposes of police powers and legislative  
20 jurisdiction. Here is confirmation of that fact which the geographical definitions within federal also CONFIRM:

21 *"Judge Story, in his treatise on the Conflict of Laws, lays down, as the basis upon which all reasonings on the*  
22 *law of comity must necessarily rest, the following maxims: First, 'that every nation possesses an exclusive*  
23 *sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly*  
24 *affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural*  
25 *born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a*  
26 *third, and that is that whatever force and obligation the laws of one country have in another depend solely upon*  
27 *the laws and municipal regulation of the matter; that is to say, upon its own proper jurisdiction and polity, and*  
28 *upon its own express or tacit consent.' Story on Conflict of Laws, §23."*  
29 *[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]*

30 Congress is given the authority under the Constitution, Article 1, Section 8, Clause 4 to write "an uniform Rule of  
31 Naturalization" and they have done this in Title 8 of the U.S. Code called the "Aliens and Nationality", but they were never  
32 given any authority under the Constitution to prescribe laws for the states of the Union relating to citizenship by birth rather  
33 than naturalization. That subject is, and always has been, under the exclusive jurisdiction of states of the Union.  
34 Naturalization is only one of two ways by which a person can acquire citizenship, and Congress has jurisdiction only over  
35 one of the two ways of acquiring citizenship.

36 *"The question, now agitated, depends upon another question; whether the State of Pennsylvania, since the 26<sup>th</sup>*  
37 *of March, 1790, (when the act of Congress was passed) has a right to naturalize an alien? And this must receive*  
38 *its answer from the solution of a third question; whether, according to the constitution of the United States, the*  
39 *authority to naturalize is exclusive, or concurrent? We are of the opinion, then, that the States, individually,*  
40 *still enjoy a concurrent authority upon this subject; but that their individual authority cannot be exercised so*  
41 *as to contravene the rule established by the authority of the Union.*

42 *"The true reason for investing Congress with the power of naturalization has been assigned at the Bar: --It*  
43 *was to guard against too narrow, instead of too liberal, a mode of conferring the rights of citizenship. Thus,*  
44 *the individual States cannot exclude those citizens, who have been adopted by the United States; but they can*  
45 *adopt citizens upon easier terms, than those which Congress may deem it expedient to impose.*

46 *"But the act of Congress itself, furnishes a strong proof that the power of naturalization is concurrent. In the*  
47 *concluding proviso, it is declared, 'that no person heretofore proscribed by any State, shall be admitted a citizen*  
48 *as aforesaid, except by an act of the Legislature of the State, in which such person was proscribed.' Here, we*  
49 *find, that Congress has not only circumscribed the exercise of its own authority, but has recognized the*  
50 *authority of a State Legislature, in one case, to admit a citizen of the United States; which could not be done*  
51 *in any case, if the power of naturalization, either by its own nature, or by the manner of its being vested in the*  
52 *Federal Government, was an exclusive power."*  
53 *[Collet v. Collet, 2 U.S. 294, 1 L.Ed. 387 (1792)]*

<sup>59</sup> See *The Law of Nations*, Vattel, available on our website at: <http://famguardian.org/Publications/LawOfNations/vattel.htm>

Many freedom fighters overlook the fact that the STATUTORY civil “citizen\*\*+D” mentioned in 26 C.F.R. §1.1-1 can also be a corporation, and this misunderstanding is why many of them think that they are the only proper subject of the Subtitle A federal income tax. In fact, a corporation is also a STATUTORY “person” and an “individual” and a “citizen” within the meaning of the Internal Revenue Code.

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

Corporations, however, cannot be either a CONSTITUTIONAL “person” or “citizen” nor can they have a legal existence outside of the sovereignty that they were created in.

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

#### FOOTNOTES:

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

[Annotated Fourteenth Amendment, Congressional Research Service. ;  
SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

Consequently, the only corporations who are CIVIL “citizens” and the only “corporate profits” that are subject to tax under Internal Revenue Code, Subtitle A are those that are formed under the laws of the District of Columbia, and not those under the laws of states of the Union. Those legislative creations of Congress are referred to as “domestic” in 26 U.S.C. §7701(a)(4). Everything else is FOREIGN in the case of fictions and a “nonresident alien” in the case of humans. Congress can ONLY tax or regulate that which it creates as a VOLUNTARY franchise, and corporations are just such a franchise. Here is why:

*“Now, a grant of corporate existence is a grant of special privileges to the corporators, enabling them to act for certain designated purposes as a single individual, and exempting them (unless otherwise specifically provided) from individual liability. The corporation being the mere creation of local law, can have no legal existence beyond the limits of the sovereignty where created. As said by this court in *Bank of Augusta v. Earle*, ‘It must dwell in the place of its creation and cannot migrate to another sovereignty.’ The recognition of its existence even by other States, and the enforcement of its contracts made therein, depend purely upon the comity of those States—a comity which is never extended where the existence of the corporation or the exercise of its powers are prejudicial to their interests or repugnant to their policy.”  
[*Paul v. Virginia*, 8 Wall. (U.S.) 168, 19 L.Ed. 357 (1868)]*

## 6.2 **NATIONALITY is NOT the origin of your income tax liability, DOMICILE is**

One’s POLITICAL status as a Citizen\* is not the origin of their tax liability, whether that citizenship derives from 8 U.S.C. §1401 or from the Fourteenth Amendment to the Constitution. Both these sources of political status produce NATIONALITY and “national” status. Yes, 8 U.S.C. §1401 Citizen\* status is a revocable privilege, but it is not the origin of CIVIL statutory jurisdiction over those who have it. DOMICILE within the jurisdiction of the taxing power must be ADDED to one’s Citizen\* political status in order to lawfully create income tax obligations. This was explained by the U.S. Supreme Court as follows:

**The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equably among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation.**



**Enjoyment of the privileges of residence within the state, and the attendant right to invoke the protection of its laws, are inseparable from the responsibility for sharing the costs of government. See *Fidelity & Columbia Trust Co. v. Louisville*, 245 U.S. 54, 58; *Maguire v. Trefry*, 253 U.S. 12, 14, 17; *Kirtland v. Hotchkiss*, 100 U.S. 491, 498; *Shaffer v. Carter*, 252 U.S. 37, 50.** The Federal Constitution imposes on the states no particular modes of taxation, and apart from the specific grant to the federal government of the exclusive 280\*280 power to levy certain limited classes of taxes and to regulate interstate and foreign commerce, it leaves the states unrestricted in their power to tax those domiciled within them, so long as the tax imposed is upon property within the state or on privileges enjoyed there, and is not so palpably arbitrary or unreasonable as to infringe the Fourteenth Amendment. *Kirtland v. Hotchkiss*, supra.

Taxation at the place of domicile of tangibles located elsewhere has been thought to be beyond the jurisdiction of the state, *Union Refrigerator Transit Co. v. Kentucky*, 199 U.S. 194; *Frick v. Pennsylvania*, 268 U.S. 473, 488-489; but considerations applicable to ownership of physical objects located outside the taxing jurisdiction, which have led to that conclusion, are obviously inapplicable to the taxation of intangibles at the place of domicile or of privileges which may be enjoyed there. See *Foreign Held Bond Case*, 15 Wall. 300, 319; *Frick v. Pennsylvania*, supra, p. 494. And the taxation of both by the state of the domicile has been uniformly upheld. *Kirtland v. Hotchkiss*, supra; *Fidelity & Columbia Trust Co. v. Louisville*, supra; *Blodgett v. Silberman*, 277 U.S. 1; *Maguire v. Trefry*, supra; compare *Farmers Loan & Trust Co. v. Minnesota*, 280 U.S. 204; *First National Bank v. Maine*, 284 U.S. 312. [*Lawrence v. State Tax Commission*, 286 U.S. 276 (1932); SOURCE: [https://scholar.google.com/scholar\\_case?case=10241277000101996613](https://scholar.google.com/scholar_case?case=10241277000101996613)]

So to find out how we became subject to the income tax, we must find out the mechanism by which we consented to be treated as having a DOMICILE within the exclusive jurisdiction of Congress on federal territory not within the exclusive jurisdiction of any state of the Union. Remember, we can only have a domicile in ONE place at a time, and if we have a civil domicile within the exclusive jurisdiction of Congress, we cannot ALSO have a domicile within the exclusive jurisdiction of a state mentioned in the constitution. In fact, under the separation of powers, the civil jurisdiction of states and the national government are not permitted to overlap EVER, even in the case of income taxation. That separation of powers is described in:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

The implication from the limitation on civil domicile and the separation of powers is that we can NEVER owe an income tax to the national government and the state government at the same time. Its ONE or the OTHER. However, at this time, the majority of people mistakenly and needlessly pay income tax to BOTH the state where they live and the national government. How can this be? The truth of the matter is that its only lawful if you volunteered/consented. If you know how to withdraw your consent, you avoid the obligation to pay income tax to at least one of the two.

The first thing we notice in searching for how we became connected to a domicile in the federal zone is that the ENTIRE Internal Revenue Code Subtitles A and C NOWHERE mentions domicile! The closest it comes is a “tax home” or an “abode” in 26 C.F.R. §301.7701(b)-2(c).

States invoke domicile as the authority all the time in their taxing statutes and regulations but the national government does not expressly do so. Domicile is still the origin of the authority to impose income taxes at the national level, but that domicile is HIDDEN within the words “citizen” and “U.S. person” in the code by making these two statuses CIVIL STATUSES instead of POLITICAL STATUSES. Why did they do this? Because they want to fool the average American in states of the Union to believe that the income tax is upon NATIONALITY rather than DOMICILE so that you think you have NO CHOICE about whether you have to participate! Your BIRTH that is the origin of your NATIONALITY is not an act of choice or consent. However, VOLUNTARY CIVIL DOMICILE, on the other hand, and the civil status of “citizen” and “U.S. person” it produces that makes you a “taxpayer” definitely is.

The national government has gone OUT of their way to hide this fact from you because if you knew the tax was based entirely on domicile, that domicile is always geographical, and that the geographical definition of “United States” in the Internal Revenue at 26 U.S.C. §7701(a)(9) and (a)(10) excludes constitutional states of the Union, then most Americans would lawfully opt out of the income tax in short order and wouldn’t need an attorney to convince them that they could do it. So they have to keep THIS genie inside the Third Rail Bottle or commit commercial suicide by letting it out!



The parties the income tax are imposed upon are identified in the regulation at 26 C.F.R. §1.1-1 as follows.

26 C.F.R. §1.1-1 - Income tax on individuals.

§ 1.1-1 Income tax on individuals.

(a) General rule.

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

The “citizen” in the above is further defined as a POLITICAL citizen\* below, and includes Fourteenth Amendment American nationals:

26 C.F.R. §1.1-1 Income tax on individuals

(c) Who is a citizen.

*Every person born or naturalized in the United States and subject to its jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. §1401-1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), Schneider v. Rusk, 377 U.S. 163 (1964), and Rev.Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.*

The status of “citizen” above in 26 C.F.R. §1.1-1(c) is a POLITICAL citizen while that in 26 C.F.R. §1.1-1(a) is a CIVIL citizen. How do we know this? Because the duty is imposed in (a) and (b) but not (c). POLITICAL citizens can have no duties or civil obligations. CIVIL status is connected with DOMICILE in 26 C.F.R. §1.1-1(a). POLITICAL status in 26 C.F.R. §1.1-1(c) is connected with allegiance, birth, or naturalization. The “taxpayer” is therefore a DOMICILE “citizen\*\*+D” rather than merely a POLITICAL “citizen\*”. Why? Because there are TWO components to this “citizen”:

1. Born or naturalized in the statutory geographical “United States\*” at 26 U.S.C. §7701(a)(9) and (a)(10). This is a POLITICAL status tied to NATIONALITY. How do we know this is the geographical “United States” they are talking about? Because Birth is always a physical act tied to a specific geography and the only geographical definition of “United States” provided in the entire Title 26 is that found in 26 U.S.C. §7701(a)(9) and (a)(10). Anyone under 8 U.S.C. 1401 would fit this description.
2. “subject to ITS jurisdiction”, meaning a DOMICILED within the exclusive jurisdiction of the national Congress at the time of BIRTH.
  - 2.1. ITS is SINGULAR. It would have to be PLURAL to include the constitutional states because there are more than one.
  - 2.2. It can only mean DOMICILED within the exclusive jurisdiction of Congress, because DOMICILE is connected with a civil status.
  - 2.3. Since the citizen\* at 8 U.S.C. §1401 they mention is ALREADY defined there as “subject to ITS jurisdiction”, meaning CIVIL jurisdiction, then if they were imposing the tax upon NATIONALITY and POLITICAL status, the “subject to ITS jurisdiction” would be superfluous and unnecessary.

### 6.3 Court admissible proof that you are NOT a “U.S. person” under 26 U.S.C. §7701(a)(30)(A)

1. The tax is either on nationality or domicile.
2. 26 U.S.C. §873 rules out nationality because it identifies “nationals of the United States” such as me as “nonresident alien individuals”, leaving only domicile.
3. The U.S. Supreme Court affirmed that all income taxes are based on domicile in: Lawrence v. State Tax Commission, 286 U.S. 276 (1932);  
SOURCE: [https://scholar.google.com/scholar\\_case?case=10241277000101996613](https://scholar.google.com/scholar_case?case=10241277000101996613)
4. Domicile is always geographical.
5. Thus the geographical context is implied for “United States” in 26 U.S.C. §7701(a)(30).

- 1 6. Thus states of the Union are excluded per 26 C.F.R. §301.7701(b)-2(b) and 26 C.F.R. §301.7701-7.  
2 7. Thus the tax is upon people domiciled in the statutory geographical “United States” defined as the District of Columbia  
3 in 26 U.S.C. §7701(a)(9).

4 The above is also proven using the laws of property for those not familiar with the statutes in the following document:

*Property View of Income Taxation*, Form #12.046  
<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>

5 Quod Erat Demonstrandum (Q.E.D.)

6 For an entire memorandum of law that you can use in court to prove the subject of this section, see:

*Proof that American Nationals are Nonresident Aliens*, Form #09.081  
<https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>

7 For those covetous public servants who want to argue with the content of this section, they are demanded to disprove  
8 everything in the following memorandum using only court admissible evidence as we have:

*Rebutted False Arguments About the Nonresident Alien Position When Used by American Nationals*, Form #08.031  
<https://sedm.org/Forms/08-PolicyDocs/RebArgNRA.pdf>

9 **6.4 Summary of Our Position why the Average American is both a Constitutional or Fourteenth Amendment**  
10 **Citizen at birth AND a “nonresident alien” for income tax purposes**

11 Below is a summary of our approach to the “nonresident alien position” documented herein:

- 12 1. Those made “LIABLE TO” (rather than “LIABLE FOR”) the income tax are described in 26 C.F.R. §1.1-1 as “citizen  
13 and residents of the United States” on their worldwide earnings and the INCOME of “nonresident aliens”.

14 26 C.F.R. § 1.1-1 - Income tax on individuals.

15 (a) General Rule

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

19 [...]

20 (b) Citizens or residents of the United States liable to tax.

21 In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to the  
22 income taxes imposed by the Code whether the income is received from sources within or without the United  
23 States. Pursuant to section 876, a nonresident alien individual who is a bona fide resident of a section 931  
24 possession (as defined in § 1.931-1(c)(1) of this chapter) or Puerto Rico during the entire taxable year is, except  
25 as provided in section 931 or 933 with respect to income from sources within such possessions, subject to taxation  
26 in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections 871  
27 and 877.

- 28 2. The “citizens and residents of the United States” are the parties made liable TO (but not liable FOR), and they are the  
29 OWNER of the earnings subject to tax.  
30 2.1. These parties cannot be human beings and must be fictions because otherwise unconstitutional slavery would be  
31 involved in violation of the Thirteenth Amendment.  
32 2.2. It wouldn’t be slavery if these were fictional offices that people have to consent to occupy.  
33 2.3. Below is a discussion with the Bing Chatgpt AI Chatbot about this subject:

Can an office accurately be described as a position or legal status created by legislation to which both privileges and obligations attach?

✓ Searching for: **office position legal status legislation privileges obligations**

✓ Generating answers for you...

Yes, an office can be accurately described as a position or legal status created by legislation to which both privileges and obligations attach. Legal status is the status or position held by an entity as determined by the law. It includes or entails a set of privileges, obligations, powers or restrictions that a person or thing has as encompassed in or declared by legislation <sup>1</sup>.

I hope this helps. Let me know if you have any other questions.

**Learn more:**

1. [en.wikipedia.org](https://en.wikipedia.org)

2. [law.cornell.edu](https://law.cornell.edu)

3. [findlaw.com](https://findlaw.com)

4. [eeoc.gov](https://eeoc.gov)

5. [findlaw.com](https://findlaw.com)

6. [osha.gov](https://osha.gov)

— see less

1

Does a "citizen" within the Internal Revenue Code satisfy your definition of an office above? It has both privileges and obligations attached to it, doesn't it?

✓ Searching for: citizen Internal Revenue Code privileges obligations

✓ Generating answers for you...

Yes, a "citizen" within the Internal Revenue Code satisfies the definition of an office above. A citizen has both privileges and obligations attached to it. For example, a citizen must pay income and other taxes honestly, and on time, to federal, state, and local authorities <sup>1</sup>.

I hope this helps. Let me know if you have any other questions.

Learn more:

1. [usimmigration.org](https://usimmigration.org) 2. [irs.gov](https://irs.gov)  
3. [irs.gov](https://irs.gov) 4. [irs.gov](https://irs.gov) 5. [irs.gov](https://irs.gov)  
6. [law.cornell.edu](https://law.cornell.edu) — see less

OK. If its an office, its not synonymous with the human FILLING the office, is it?

That's correct. An office is not synonymous with the human filling the office. An office is a position or legal status created by legislation to which both privileges and obligations attach.

I hope this helps. Let me know if you have any other questions.

1

2

Can an office lawfully be exercised by a human being who does not consent to FILL the office?

- ✓ Searching for: office lawfully exercised human being consent fill office
- ✓ Generating answers for you...

I'm not sure about the context of your question. However, in general, an office can only be lawfully exercised by a human being who consents to fill the office. Informed consent is required for any research involving human subjects <sup>1</sup>.

I hope this helps. Let me know if you have any other questions.

Learn more:

1. [hhs.gov](https://www.hhs.gov)
2. [hhs.gov](https://www.hhs.gov)
3. [workplacefairness.org](https://www.workplacefairness.org)



Does the office of "citizen" within the Internal Revenue Code serve within the Internal Revenue Service?

✓ Searching for: **office of citizen Internal Revenue Code**

✓ Generating answers for you...

The office of "citizen" is not a branch of the government. However, the Internal Revenue Service (IRS) is responsible for administering the Internal Revenue Code <sup>1</sup>. Therefore, the office of "citizen" within the Internal Revenue Code serves within the Internal Revenue Service (IRS).

Learn more:

1. [en.wikipedia.org](https://en.wikipedia.org)

2. [irs.gov](https://irs.gov)

3. [irs.gov](https://irs.gov)

+2 more

So indirectly, the office of "citizen" works within the Department of Treasury by serving within the Internal Revenue Service?

Yes, that's correct. The office of "citizen" within the Internal Revenue Code serves within the Internal Revenue Service (IRS) which is a bureau of the Department of the Treasury.

3. "Nationals" are included within the term "nonresident alien" because:
- 3.1. There are FOUR citizenship statuses one can have: "alien", "national", "citizen", and "resident".

- 3.2. "Alien" and "national" are political statuses and an INVOLUNTARY product of birth.
- 3.3. "citizen" and "resident" are CIVIL statutory statuses that are a product of consent to:
- 3.3.1. A DOMICILE in the statutory geographical "United States" in the case of "citizens".
- 3.3.2. A Privileged RESIDENCE in the case of aliens who are subject to the presence test found in 26 U.S.C. §7701(b)(1). See 26 C.F.R. §1.871-2 which defines "residence" ONLY in the context of ALIENS and NOT "nationals" or "citizens".
- 3.4. A "nonresident alien" is described but not defined in 26 U.S.C. §7701(b)(1)(B) as NEITHER a CIVIL statutory "citizen" nor a CIVIL statutory "resident". Thus, "nonresident alien" can include the remaining two possible citizenship statuses: "alien" or "national".
- 3.5. 26 U.S.C. §872(b)(8) identifies "possessions" as a "foreign country" and thus not part of the statutory geographical "United States" in 26 U.S.C. §7701(a)(9) and (a)(10). IRS Form 1040NR for the years 1980 all the way up to 2017 described "nonresident aliens" as either "nationals of the United States" or "U.S. nationals". So "nationals" or "American nationals" can in fact elect to be "nonresident aliens".
- 3.6. 26 U.S.C. §873(b)(3) allows for a "personal exemption" in the case of "nationals of the United States" NOT engaged in a statutory "trade or business"/public office. By "nationals of the United States", they mean people born in the COUNTRY "United States\*" but not necessarily the statutory geographical "United States\*\*" in 26 U.S.C. §7701(a)(9) and (a)(10). Thus, they are not "aliens". 26 U.S.C. §151(d)(5) sets that exemption to zero from 2018 through 2025 as part of the Tax Cuts and Jobs Act of 2018. The Standard Deduction, however, is a privilege connected to a "trade or business" and is not available to nonresident aliens. In 2018, the Personal Exemption for nonresident aliens went to zero but the Standard Deduction in 26 U.S.C. §63(c)(7) was almost doubled, thus encouraging nonresident aliens to "elect" to become statutory "U.S. persons" public officers in pursuit of said privilege. I.R.C. Section 170 deductions connected to a privileged "trade or business" are still available to nonresident aliens.
4. American nationals born and domiciled in the exclusive jurisdiction of the constitutional states are "nationals" by the admission of the Department of State. See 22 C.F.R. §51.2. As such:
- 4.1. They are not "aliens" or "alien individuals", which are defined in 26 C.F.R. §1.144-1(c)(3)(i) as being NEITHER STATUTORY "nationals" nor STATUTORY "citizens".
- 4.2. They are not subject to the Presence Test found in 26 U.S.C. §7701(b)(1). That test limits itself to "alien individuals".
- 4.3. Thus, American Nationals are INCAPABLE of being "resident" or "residents of the United States" within the meaning of the entire INTERNAL REVENUE CODE.
- 4.4. Therefore, the only thing American Nationals can accurately describe themselves as is "NONRESIDENTS" of one kind or another.
- 4.5. The ONLY status in the Internal Revenue Code that connects itself with "nonresident" status is that found in 26 U.S.C. §7701(b)(1)(B). Thus, American Nationals born and domiciled within the exclusive jurisdiction of the Constitutional states must be STATUTORY "nonresident aliens" and NEVER "citizens" of the STATUTORY GEOGRAPHICAL "United States".
- 4.6. Anyone with a FOREIGN domicile outside the venue of a foreign state that they were born in is always called a "NATIONAL" and seldom a "citizen" while abroad. This applies equally to those domiciled outside the statutory geographical "United States" if they were born in the COUNTRY "United States\*\*".
5. The U.S. Supreme Court in *Lawrence v. State Tax Commission*, 286 U.S. 276 (1932) declared that state income tax is based exclusively on DOMICILE:

**The obligation of one domiciled within a state to pay taxes there, arises from unilateral action of the state government in the exercise of the most plenary of sovereign powers, that to raise revenue to defray the expenses of government and to distribute its burdens equably among those who enjoy its benefits. Hence, domicile in itself establishes a basis for taxation. Enjoyment of the privileges of residence within the state, and the attendant right to invoke the protection of its laws, are inseparable from the responsibility for sharing the costs of government. See *Fidelity & Columbia Trust Co. v. Louisville*, 245 U.S. 54, 58; *Maguire v. Trefry*, 253 U.S. 12, 14, 17; *Kirtland v. Hotchkiss*, 100 U.S. 491, 498; *Shaffer v. Carter*, 252 U.S. 37, 50.** The Federal Constitution imposes on the states no particular modes of taxation, and apart from the specific grant to the federal government of the exclusive 280\*280 power to levy certain limited classes of taxes and to regulate interstate and foreign commerce, it leaves the states unrestricted in their power

to tax those domiciled within them, so long as the tax imposed is upon property within the state or on privileges enjoyed there, and is not so palpably arbitrary or unreasonable as to infringe the Fourteenth Amendment. *Kirtland v. Hotchkiss, supra*.

Taxation at the place of domicile of tangibles located elsewhere has been thought to be beyond the jurisdiction of the state, *Union Refrigerator Transit Co. v. Kentucky*, 199 U.S. 194; *Frick v. Pennsylvania*, 268 U.S. 473, 488-489; but considerations applicable to ownership of physical objects located outside the taxing jurisdiction, which have led to that conclusion, are obviously inapplicable to the taxation of intangibles at the place of domicile or of privileges which may be enjoyed there. See *Foreign Held Bond Case*, 15 Wall. 300, 319; *Frick v. Pennsylvania, supra*, p. 494. And the taxation of both by the state of the domicile has been uniformly upheld. *Kirtland v. Hotchkiss, supra*; *Fidelity & Columbia Trust Co. v. Louisville, supra*; *Blodgett v. Silberman*, 277 U.S. 1; *Maguire v. Trefry, supra*; compare *Farmers Loan & Trust Co. v. Minnesota*, 280 U.S. 204; *First National Bank v. Maine*, 284 U.S. 312. [*Lawrence v. State Tax Commission*, 286 U.S. 276 (1932); SOURCE: [https://scholar.google.com/scholar\\_case?case=10241277000101996613](https://scholar.google.com/scholar_case?case=10241277000101996613)]

6. Nonresident aliens are domiciled outside the statutory geographical "United States" defined in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia and nowhere extended to the exclusive jurisdiction of constitutional states of the Union or even federal territories or possessions.
7. The IRC is the equivalent of a state tax for DC. We know this from the definition of "State" and "United States".
  - 7.1. "State" and "United States" excludes possessions. See 26 U.S.C. §872(b)(8).
  - 7.2. [26 U.S.C. §2209](#) also identifies even POLITICAL "citizens of the United States" under 8 U.S.C. §1402 born in Puerto Rico as "nonresident not a citizen\*\*+D of the United States" and therefore "nonresident aliens" also. Thus, the "United States" defined in 26 U.S.C. 7701(a)(9) and (a)(10) purposefully excludes anything but what it actually MENTIONS, which is the District of Columbia per the rules of statutory construction:

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated'"); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary." [*Stenberg v. Carhart*, 530 U.S. 914 (2000)]

"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. *Colautti v. Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation.[19] As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it." [*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

"As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated'" [*Colautti v. Franklin*, 439 U.S. 379 (1979), n. 10]

8. We are NOT suggesting that the tax cannot reach extraterritorially outside the District of Columbia because ANYTHING can be done with the consent of the "taxpayer" in some form. Our website and this document, however, PRESUME not only that no consent is given, but that it violates the Bible to do so:

Lastly, it is a fact that anyone who consents (Form #05.003) can have anything done to them that a tyrant government wants to do, REGARDLESS of locality. Consenting to ANYTHING a government wants or offers is not only STUPID, but violates God's *Delegation of Authority Order from God to Christians*, Form #13.007. Therefore, any and all claims on this website or in communication with us about the authority or jurisdiction (Form #05.018) of any government presuppose the following relationship with said government:

1. Not physically present on federal territory.

2. Not domiciled on federal territory. See Form #05.002.

3. Not consenting or assenting to any government franchise, public right, or privilege and thus waive sovereign immunity under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. See Form #05.030.

4. Does not share ownership of any of their property with any government All property is absolutely owned. Ownership of all property is not "qualified ownership" and is not shared with any government. See Form #12.025.

5. Not claiming any statutory civil status or any of the "benefits" of such status under any act of any government. See Form #13.008.

6. Terms on all forms submitted to any government have the meaning indicated here and are not interpreted in their statutory or regulatory context.

7. A "Merchant" under U.C.C. §2-104(1) but not a "Buyer" under U.C.C. §2-103(1)(a) in relation to said government. This is the ONLY relation that God allows with any government and it is a violation of the Biblical delegation of authority for Christians to consent to any change in this relationship. It therefore would also be a violation of the First Amendment. See:

Delegation of Authority Order from God to Christians, Form #13.007  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/DelOfAuthority.pdf>

8. Invoking the Injury Defense Franchise and Agreement, Form #06.027 for all commercial relations with any government. This makes them waive official, judicial, and sovereign immunity for any commercial uses of the name or status of the member that would "benefit" any government.

9. Not allowed BY LAW to consent (Form #05.003) to alienate unalienable organic or private rights to any government per the Declaration of Independence, which was enacted into positive law by the first official act of Congress on Page 1 of the Statutes at Large. See:

Unalienable Rights Course, Form #12.038  
<https://sedm.org/LibertyU/UnalienableRights.pdf>

The burden of proof (Form #05.025) imposed upon the government alleging civil or criminal jurisdiction within a constitutional state therefore is to defeat all of the above limitations of its authority within a constitutional state and to prove that people within a state cannot use THE SAME franchise mechanisms against them to defend themselves against tyranny that are the origin of their jurisdiction to begin with.

[SEDM Disclaimer, Section 1; <https://sedm.org/disclaimer.htm>]

9. The U.S. Supreme Court in *Downes v. Bidwell*, 182 U.S. 244 (1901) talked about how this DC state tax works, which they said was NONGEOGRAPHICAL and extends ONLY where the GOVERNMENT and its OFFICES and PROPERTY extend.

"*Loughborough v. Blake*, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass or, as appears by the original record, *replevin*, brought in the circuit court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. at L. 216, chap. 60. **It was insisted that Congress could act in a double capacity: in one as legislating [182 U.S. 244, 260] for the states; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under art. 1, 8, giving to Congress the power 'to lay and collect taxes, imposts, and excises,' which 'shall be uniform throughout the United States,' inasmuch as the District was no part of the United States [described in the Constitution].** It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that art. 1, 2, declares that 'representatives and direct taxes shall be apportioned among the several states . . . according to their respective numbers' furnished a standard by which taxes were apportioned, but not to exempt any part of the country from their operation. The words used do not mean that direct taxes shall be imposed on states only which are represented, or shall be apportioned to representatives; **but that direct taxation, in its application to states, shall be apportioned to numbers.** That art. 1, 9, 4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, 'and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective states. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to.' It was further held that the words of the 9th section did not 'in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the 2d section require that it shall be extended to all the states. They therefore may, without violence, be understood to give a rule when the territories shall be taxed, without imposing the necessity of taxing them.'" [Downes v. Bidwell, 182 U.S. 244 (1901)]

10. If the income tax DOES extend extraterritorially beyond the District of Columbia, it can only do so by:

- 10.1. Extending the national government outside the District of Columbia. The tax extends wherever the GOVERNMENT extends, and not the GEOGRAPHY per the above. By “government”, we mean its OFFICES and its PROPERTY coming under Article 4, Section 3, Clause 2 of the Constitution.
- 10.2. EXPRESSLY authorizing new public offices within the government to be exercised extraterritorially within an otherwise legislatively foreign constitutional state of the Union. These public offices or agents include STATUTORY “taxpayers”, “citizens”, and “residents”. All such offices are legislative creations of the government and therefore PROPERTY of the national government. OF COURSE the national government can tax its offices wherever they are found, and all property connected to said offices.
- 10.3. HOWEVER, 4 U.S.C. §72 requires that all offices of the national government MUST be exercised within the District of Columbia “and NOT elsewhere, except as expressly provided by law”.
- 10.4. Congress has NEVER “expressly extended” statutory “taxpayer”, statutory “citizen”, and statutory “resident” offices to any place within the exclusive jurisdiction of any state.
- 10.5. By PRETENDING or even CONDONING that “taxpayer” offices can lawfully be exercised within the exclusive jurisdiction of constitutional states, this:

- 10.5.1. Constitutes an unconstitutional violation of the separation of powers between the states of the Union and the national government. See:

*Government Conspiracy to Destroy the Separation of Powers*, Form #05.023  
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

- 10.5.2. An INVASION in violation of Article 4, Section 4 of the constitution. It also violates the Declaration of Independence:

*He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.*  
[Declaration of Independence, 1776; <https://www.archives.gov/founding-docs/declaration-transcript>]

If you don’t agree with us on this, rebut the OVERWHELMING evidence of same:

*Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union*, Form #05.052  
<https://sedm.org/Forms/05-MemLaw/ChallengeToIRSEnforcementAuth.pdf>

11. American nationals born within and domiciled within the exclusive jurisdiction of Constitutional States are not domiciled in statutory geographical United States” defined in 26 U.S.C. §7701(a)(9) and (a)(10). Domicile is always geographical. To sidestep and hide this, the Internal Revenue Code:
- 11.1. Invents an office called STATUTORY “U.S. person”, STATUTORY “citizen of the United States”, and STATUTORY “resident of the United States” that is domiciled there under Federal Rule of Civil Procedure 17(b)(2) and (d).
- 11.2. Fools you into volunteering by equivocating to confuse the OFFICE with the OFFICER who is voluntary surety for the office.
- 11.3. Makes the office (instantiated by the SSN franchise mark) the recipient of income so it can be taxed as earnings DIRECTLY to the Principal (“U.S. Inc” federal corporation) that is the owner of the office and the mark.
12. Everyone domiciled outside the statutory geographical “United States” is legislatively “foreign”. That’s what being a “nonresident alien” means: Foreign domicile. That is what “citizen” and “resident” have in common in the Internal Revenue Code: Domicile in the statutory geographical “United States”.
13. Thus, American Nationals with a foreign domicile in the exclusive jurisdiction of the constitutional states are made into “Kelly Girl” franchisees on loan to everyone who hires them. They work for the mother corporation in what Mark Twain called “The District of Criminals”. This is EXACTLY how McDonalds franchise works, by the way (BTW). See the following for how SSNs function as what the Federal Trade Commission defines as a “franchise mark”:

*About SSNs and TINs on Government Forms and Correspondence*, Form #05.012  
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>

14. Courts have held that taxation is not a “taking” in violation of the Fifth Amendment and they are correct, but let’s read between the lines to explain WHY.
- 14.1. Below is an example of such a ruling:

*“Courts generally reject the argument that taxing provisions can be classified as “taking of property without due process of law.” See Freeman, 2001 WL 1140022, T.C.M. (RIA) 2001-254 (Tax Ct. 2001); see also Coleman v. Commissioner, 791 F.2d. 68, 70 (7th Cir. 1986); Van Sant, 98 A.F.T.R.2d. 2002-302, \*7 (D.D.C. 2001). The Seventh Circuit clarifies the meaning of taking in Coleman, stating that taxation does indeed “take” income, “but this is not the sense in which the constitution uses “takings.”” Id. The Second Circuit further explained that because Article I, section 8, clause 1 of the U.S. Constitution granted Congress the power to tax before the passage of the Sixteenth Amendment, its passage “did no more than remove the apportionment requirement of Article I, § 2, cl. 3, from taxes on “incomes, from whatever source derived.”” Therefore, although taxation on damages that are not*



exempted under the revised version of § 104(a)(2) may appear to be a "taking" by the government, the constitutional provision was not intended, nor should it be extended, to cover plaintiff's situation in this case." [Murphy v. I.R.S., 362 F.Supp.2d. 206, 216-17 (D.D.C. 2005)]

"a. Fifth Amendment due process clause and takings clause "In general, a Federal tax law is not violative of the Due Process Clause of the Fifth Amendment of the U.S. Constitution unless the statute classifies taxpayers in a manner that is arbitrary and capricious." Hamilton v. Commissioner, 63 T.C. 601, 606 (1977). Furthermore, courts may only intervene under a due process claim if "the act complained of was so arbitrary as to constrain to the conclusion that it was not the exertion of taxation but a confiscation of property, that is, a taking of the same in violation of the Fifth Amendment, or what is equivalent thereto, was so wanting in basis for classification as to produce such a gross and patent inequality as to inevitably lead to the same conclusion." Brushaber v. Union Pac. RR, 240 U.S. 1, 24-25 (1916). Historically, the courts "never used the [substantive] due process clause to regulate federal income tax," and have showed similar restraint under procedural due process claims except for cases involving "specific classifications" or inadequate administrative processes. Bittker Lokken, Federal Taxation of Income, Estates and Gifts, Volume 1, Third Edition (1999) (citing Black v. United States, 534 F.2d. 524 (2d Cir. 1976); McGlotten v. Connally, 338 F. Supp. 448 (D.D.C. 1972))." [Murphy v. I.R.S., 362 F.Supp.2d. 206, 216 (D.D.C. 2005)]

- 14.2. The tax is upon an OFFICE of "taxpayer", "citizen", "person", etc. that they legislatively created and therefore own and FOOLED you into volunteering for. They did so MAINLY by FORCING you to have a civil domicile that you DO NOT want, DO NOT need, and which is actually HARMFUL to you. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 14.3. The tax is NOT upon the OFFICER who was duped into volunteering for the civil statutory office of "taxpayer", "citizen", and "resident" (alien).

- 14.4. Thus, the tax is NOT upon PRIVATE property protected by the Fifth Amendment, but PUBLIC offices of Congress and all property VOLUNTARILY connected to said office using the SSN franchise mark.

- 14.5. So OF COURSE income taxation is not a Fifth Amendment Taking affecting a PRIVATE human being protected by the Bill of Rights and NOT civil statutory franchise "codes" that are privileges, but:

14.5.1. QUESTION: Why didn't the court explain all this we have just explained?

14.5.2. ANSWER: Because it's a Third Rail issue that would threaten government's unjust revenues and their job security. Can you spell "SCAM"?

15. The CENTRAL issue is WHEN and exactly HOW your PRIVATE property and labor were converted from PRIVATE and constitutionally protected to PUBLIC and statutorily protected to the EXCLUSION of the Bill of Rights, and without your consent in some form.

15.1. They can't tax it until you helped them make that conversion.

15.2. No third party can convert the status of your private property to public property without your consent in some form. Third party information returns that are usually FALSE cannot lawfully do it. See:

Correcting Erroneous Information Returns, Form #04.001  
<https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>

- 15.3. The office of ASSESSOR who does the conversion was eliminated CENTURIES ago, so no one, technically, can do it EXCEPT the original owner.

- 15.4. There are only TWO ways to lawfully convert the status of the property that is taxed from PRIVATE to PUBLIC:

15.4.1. Change the civil status of the PROPERTY involuntarily. This usually happens by filing a FALSE information return against it or you voluntarily calling it "effectively connected". See the following for the rules on lawfully converting property from PRIVATE to PUBLIC:

Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

15.4.2. Change the civil status of the OWNER of the property involuntarily. This happens based usually on the tax form you file. 1040 is a "U.S. person" election. 1040NR is a "nonresident alien" election.

- 15.5. Any attempt to violate any of the above is an act of CRIMINAL IDENTITY THEFT. See:

Identity Theft Affidavit, Form #14.020  
[https://sedm.org/Forms/14-PropProtection/Identity\\_Theft\\_Affidavit-f14039.pdf](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf)

For more on the above skulduggery by Third Party payers, the IRS, and the courts in literally STEALING your private property and how to challenge it, See:

Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

This SCAM is COMPLETELY DIABOLICAL.

1 The ONLY thing a person of legal knowledge and conscience can do is file as a “nonresident alien”.

2 These concepts are NOT "unimportant points". They are LITERALLY the HEART of the FRAUD, my friend.

3 ONLY if you work for the government and have skin in the game to continue this fraud are these "unimportant points".

## 4 **6.5 Conclusions**

5 In conclusion, American nationals by default *aren't* the CIVIL “citizen” described in 26 C.F.R. §1.1-1(a) and (b) who is the  
6 proper subject of Internal Revenue Code, Subtitle A, nor are you a “resident” of the “United States” defined in 26 U.S.C.  
7 §7701(a)(9) if you were born in a state of the Union and are domiciled there. You may satisfy the criteria for being born or  
8 naturalized in the geographical “United States\*” in the constitution as an American national and thereby be a POLITICAL  
9 citizen\* but the tax is on CIVIL citizens\*\*+D domiciled in the District of Columbia BY ELECTION.

10 Internal Revenue Code, Subtitle A *only* applies to persons domiciled in the federal zone BY ELECTING the “U.S. person”  
11 status, payments originating from within the United States government, and payments you DONATE to the U.S. government  
12 by calling them “effectively connected”. If you are domiciled in a state of the Union, then you aren't domiciled in the federal  
13 zone. Consequently, the only type of person you can be as a man or woman born in a state of the Union is:

- 14 1. POLITICAL status:
  - 15 1.1. A “national” as defined in 8 U.S.C. §1101(a)(21).
  - 16 1.2. A “national of the United States” as defined in 8 U.S.C. §1101(a)(22).
  - 17 1.3. A CONSTITUTIONAL "person".
  - 18 1.4. NOT:
    - 19 1.4.1. A "National but not citizen of the United States\*\* at birth" under 8 U.S.C. §1408.
    - 20 1.4.2. A "U.S.[\*\*] non-citizen national" under 8 U.S.C. §1452.
- 21 2. CIVIL status:
  - 22 2.1. A statutory “non-resident non-person”.
  - 23 2.2. NOT any of the following:
    - 24 2.2.1. A CIVIL "person" under 26 U.S.C. §§6671(b) or 7343.
    - 25 2.2.2. An “alien” under 8 U.S.C. §1101(a)(3).

26 We call the confluence of the above a "non-resident non-person " as described below:

*Non-Resident Non-Person Position*, Form #05.020  
FORMS PAGE: <https://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

27 You only become a CIVIL "nonresident alien INDIVIDUAL" as described but not defined in 26 U.S.C. §7701(b)(1)(B) when  
28 you surrender your PRIVATE, sovereign status, and sovereign immunity by entering into contracts with the government,  
29 such as accepting a public office or a government "benefit". You can be a “nonresident alien” and a “non-person” WITHOUT  
30 being a CIVIL “individual”.

31 The reason most Americans falsely think they owe income tax and why they continue to illegally be the target of IRS  
32 enforcement activity is because of one or more of the following:

- 33 1. They falsely believe the income tax is upon their POLITICAL STATUS and NATIONALITY rather than their CIVIL  
34 STATUS and DOMICILE.
- 35 2. They falsely believe they are CIVIL “U.S. persons” in 26 U.S.C. §7701(a)(30)(A) with a domicile within the exclusive  
36 jurisdiction of Congress.
- 37 3. They are the victim of false information returns. See Form #04.001. These false returns give rise to unlawful IRS  
38 collection activity that intimidates people into filing knowingly false tax returns. This is covered in:

*Why It's a Crime for a State Citizen to File a 1040 Income Tax Return*, Form #08.021  
<https://sedm.org/Forms/FormIndex.htm>

- 39 4. They file the wrong tax return form, the 1040, and thereby create false presumptions about their status in relation to the  
40 federal government.
  - 41 4.1. IRS Form 1040 is only for use by resident aliens or consenting Citizens\* when they travel abroad under 26 U.S.C.

§911, not those who are non-residents such as American Nationals born and domiciled within the exclusive jurisdiction of a constitutional state.

- 4.2. The "individual" mentioned in the upper left corner of the form is defined in 26 C.F.R. §1.1441-1(c)(3) as an "alien". STATUTORY "citizens" are not included in the definition and this is the only definition of "individual" anywhere in the I.R.C. or the Treasury Regulations. Only when they are ABROAD under 26 U.S.C. §911 can CIVIL citizens\*\*+D be called ANY kind of "individual", which is a "qualified individual".
- 4.3. It also constitutes fraud for an American national born and domiciled within a constitutional state to declare themselves to be a resident alien. Filing the 1040 causes a state national to choose an effective domicile in the federal zone and be classified as a CIVIL "U.S. person" and a CIVIL "U.S.\*\* citizen" pursuant to 26 C.F.R. §1.1-1(a).
- 4.4. It is furthermore a criminal violation of 18 U.S.C. §911 for a state national to impersonate a statutory "U.S. citizen". The only tax return form a state national can file without committing fraud or a crime is IRS Form 1040NR.

For details on how to file a NONRESIDENT tax return as a "non-resident non-person" and in most cases get all of your money back legally, see:

1. *Hot Issues: Filing Returns\*\**, SEDM (Member Subscriptions)  
<https://sedm.org/filing-returns/>
2. *How to File Returns*, Form #09.074\*\* (Member Subscriptions)  
<https://sedm.org/product/filing-returns-form-09-074/>
3. *Procedure to File Returns*, Form #09.075\*\* (Member Subscriptions)  
<https://sedm.org/product/procedure-to-file-tax-returns-form-09-075/>
4. Section 17.1.8 later, entitled "IRS Form 1040NR, Schedule OI", which shows you how to fill out the citizenship information on the 1040NR.

If you still find yourself confused or uncertain about citizenship in the context of the Internal Revenue Code after having read this section, you might want to go back and reread the following to refresh your memory, because these resources are the foundation to understanding this section:

1. *Citizenship and Sovereignty Course*, Form #12.001- basic introduction  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/LibertyU/CitAndSovereignty.pdf>  
VIDEO: <http://www.youtube.com/watch?v=xMrSiiAqJAU>
2. This memorandum of law.
3. *Great IRS Hoax*, Form #11.302, Sections 4.12 through 4.12.19.  
<http://sedm.org/Forms/FormIndex.htm>
4. *Citizenship Status v. Tax Status*, Form #10.011  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

Lastly, this section does NOT suggest the following LIES found on Wikipedia ([click here](http://en.wikipedia.org/wiki/Tax_protester_constitutional_arguments) [http://en.wikipedia.org/wiki/Tax\\_protester\\_constitutional\\_arguments](http://en.wikipedia.org/wiki/Tax_protester_constitutional_arguments)], for instance) about its content:

#### *Fourteenth Amendment*

*Some tax protesters argue that all Americans are citizens of individual states as opposed to citizens of the United States, and that the United States therefore has no power to tax citizens or impose other federal laws outside of Washington D.C. and other federal enclaves[7][20] The first sentence of Section 1 of the Fourteenth Amendment states:*

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.*  
[Wikipedia: Tax Protester Constitutional Arguments, Downloaded 1/16/2013,  
[http://en.wikipedia.org/wiki/Tax\\_protester\\_constitutional\\_arguments/](http://en.wikipedia.org/wiki/Tax_protester_constitutional_arguments/)]

The power to tax of the national government extends to wherever those DOMICILED within the statutory geographical "United States\*\*\*" defined in 26 U.S.C. §7701(a)(9) and (a)(10) may physically be found, including states of the Union. HOWEVER, those [domiciled](#) in states of the Union do not become "U.S. persons" described in [26 C.F.R. §1.1-1\(a\) and \(b\)](#)

WITHOUT their consent. They MUST make an election to be a “U.S. person” first. The ONLY CIVIL “citizens” and “taxpayers” described in the Internal Revenue Code Subtitles A or C are in fact PUBLIC OFFICERS within the national but not state government. The “United States\*\*\*\*” they are a “citizen” of in that case is the LEGAL/CORPORATE “United States” and not any geography. For exhaustive proof on this subject, see:

Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

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

We contend that Wikipedia, like most federal judges and prosecutors, are deliberately confusing and perpetuating the confusion between CIVIL Domiciled Citizen\*\*+D and POLITICAL Citizen\* contexts in order to unlawfully enforce federal law in places that they KNOW they have no jurisdiction. The following forms PREVENT them from doing the very thing that Wikipedia unsuccessfully tried to do, and we encourage you to use this every time you deal with priests of the civil religion of socialism called “attorneys” or “judges”:

1. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001 (OFFSITE LINK)- use this in administrative correspondence  
<http://sedm.org/Forms/FormIndex.htm>
2. Citizenship, Domicile, and Tax Status Options, Form #10.003 (OFFSITE LINK)- use this in all legal settings. Attach to your original complaint or response.  
<http://sedm.org/Forms/FormIndex.htm>

## **7. CIVIL “CITIZENS\*\*+D” v. 8 U.S.C. §1101(a)(21) “NATIONALS”**

### **7.1 Introduction**

Two words are used to describe citizenship: “citizen” and “national”. There is a world of difference between these two terms and it is extremely important to understand the distinctions before we proceed further. Below is a law dictionary definition of “citizen” that deliberately tries to confuse these two components of citizenship. We will use this definition as a starting point for our discussion of the differences between “citizens” and “nationals”:

***citizen.** One who, under the [Constitution](#) and laws of the [United States](#)\*\*\*], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights.** All persons born or naturalized in the United States\*\*\*], and subject to the jurisdiction thereof, are citizens of the United States\*\*\*] and of the state wherein they reside. [U.S. Const., 14th Amend.](#). See [Citizenship](#).*

***“Citizens” are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.** [Herriott v. City of Seattle](#), 81 Wash.2d. 48, 500 P.2d. 101, 109.*

*The term may include or apply to children of alien parents from in United States\*\*\*], [Von Schwerdmer v. Piper](#), D.C.Md., 23 F.2d. 862, 863; [U.S. v. Minoru Yasui](#), D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, [Haaland v. Attorney General of United States](#), D.C.Md., 42 F.Supp. 13, 22; [Indians, United States v. Hester](#), C.C.A.Okla., 137 F.2d. 145, 147; [National Banks, American Surety Co. v. Bank of California](#), C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased resident, [Hunt v. Noll](#), C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States nor a state is a citizen for purposes of diversity jurisdiction. [Jizemerjian v. Dept of Air Force](#), 457 F.Supp. 820. On the other hand, municipalities and other local governments are deemed to be citizens. [Rieser v. District of Columbia](#), 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth Amendment. [D.D.B. Realty Corp. v. Merrill](#), 232 F.Supp. 629, 637.*

*Under diversity statute [\[28 U.S.C. §1332\]](#), which mirrors [U.S. Const. Article III](#)’s diversity clause, a person is a “citizen of a state” if he or she is a citizen of the United States\*\*\*] and a domiciliary of a state of the United States\*\*\*]. [Gibbons v. Udaras na Gaeltachta](#), D.C.N.Y., 549 F.Supp. 1094, 1116. “  
[\[Black’s Law Dictionary, Sixth Edition, p. 244\]](#)*

Based on the above definition, being a “citizen” therefore involves the following FOUR individual components, EACH of which require your individual consent in some form. Any attempt to remove the requirement for consent in the case of EACH SPECIFIC component makes the government doing so UNJUST as defined by the Declaration of Independence, and produces involuntary servitude in violation of the Thirteenth Amendment:

**Why You Are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien**

**246 of 643**

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Rev. 6/13/2024

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

**Table 7: Mandatory components of being a "citizen"**

#	Characteristic	How consented to	What happens when you don't consent
1	Allegiance to the sovereign within the community, which in our country is the "state" and is legally defined as the PEOPLE occupying a fixed territory RATHER than the government or anyone serving them IN the government.	Requesting to be naturalized and taking a naturalization oath.	Allegiance acquired by birth is INVOLUNTARY.
2	VOLUNTARY political association and membership in a political community.	Registering to vote or serve on jury duty.	If you don't register to vote or serve on jury duty, you are NOT a "citizen", even if ELIGIBLE to do either.
3	Enjoyment of full CIVIL rights.	Choosing a domicile	You can't be a statutory civil "citizen" unless you voluntarily choose a domicile.
4	Submission to CIVIL authority.	Choosing a domicile	You can't be a statutory civil "citizen" unless you voluntarily choose a domicile.

**From the above, we can see that simply calling oneself a "citizen" or not qualifying which SUBSET of each of the above we consent to is extremely hazardous to your freedom!** Watch out! The main questions in our mind about the above chart are:

1. Must we expressly consent to ALL of the above as indicated in the third column from the left above in order to truthfully be called a "citizen" as legally defined?
2. Which components in the above table are MANDATORY in order to be called a "citizen"?
3. What if we don't consent to the "benefits" of the domicile protection franchise? Does that NOT make us a "citizen" under the civil statutory laws of that jurisdiction?
4. What if we choose a domicile in the place, but refuse to register to vote and make ourselves ineligible to serve on jury duty? Does that make us NOT a "citizen"?
5. If we AREN'T a "citizen" as defined above because we don't consent to ALL of the components, then what would we be called on:
  - 5.1. Government forms?
  - 5.2. Under the statutes of the jurisdiction we are NOT a "citizen" of?

**7.2 What if I don't consent to receive ANY of the "benefits" or "privileges" of being a "citizen\*\*+D"? What would I be called?**

Under maxims of the common law, refusing to consent to ANY ONE OR MORE of the above four prerequisites of BEING a "citizen" in Table 7 makes us ineligible to be called a "citizen" under the civil statutory laws of that jurisdiction.

*Invito beneficium non datur.*

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

*Quilibet potest renunciare juri pro se inducto.*

*Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv.*

*Inst. n. 83.*

*[Bouvier's Maxims of Law, 1856,*

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

The Foreign Affairs Manual (F.A.M.), Department of State identifies TWO components of being a "citizen" with the following language. It acknowledges that one can be a "national of the United States\*" WITHOUT being a "citizen", thus implying that those state nationals who are NOT STATUTORY civil "citizens\*\*+D" or who do not consent to or are not able to satisfy ALL the obligations of being a civil "citizen\*\*+D" automatically become "non-citizen nationals of the United States\*\*\*\*\*":

*Department of State*



**b. National vs. citizen: While most people and countries use the terms "citizenship" and "nationality" interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term "national of the United States", as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship:**

(1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, State, or local elections except in their place of birth. (See 7 FAM 012 and 7 FAM 1300 Appendix B Endorsement 09.);

(2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals. (See 7 FAM 1120 and 7 FAM 1100 Appendix P.);

(3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See 7 FAM 1125.); and

(4) See 7 FAM 1126 regarding the citizenship/nationality status of persons born on the Commonwealth of the Northern Mariana Islands (CNMI).

[8 Foreign Affairs Manual (FAM), Section 301.1-1(b); SOURCE:  
<https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

There are many good reasons for the above distinction between NATIONALITY (POLITICAL) status and CITIZEN (CIVIL) status, the most important of which is the ability of the courts to legally distinguish those born in the country but domiciled outside their jurisdiction from those who are domiciled in their jurisdiction. For instance, those domiciled abroad and outside the geographical "United States" are usually called "nationals of the United States" rather than "citizens of the United States". An example of this phenomenon is described in the following U.S. Supreme Court case, in which an American born in the country is domiciled in Venezuela and therefore is referred to as a "stateless person" not subject to and immune from the civil laws of his country!

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

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

*When a plaintiff sues more than one defendant in a diversity action, the plaintiff must meet the requirements of the diversity statute for each defendant or face dismissal. *Strawbridge v. Curtiss*, 3 Cranch 267 (1806). [1] Here, Bettison's "stateless" status destroyed complete diversity under § 1332(a)(3), and his United States citizenship destroyed complete diversity under § 1332(a)(2). Instead of dismissing the case, however, the Court of Appeals panel granted Newman-Green's motion, which it had invited, to amend the complaint to drop Bettison as a party, thereby producing complete diversity under § 1332(a)(2). 832 F.2d. 417 (1987). The panel, in an opinion by Judge Easterbrook, relied both on 28 U.S.C. §1653 and on Rule 21 of the Federal Rules of Civil Procedure as sources of its authority to grant this motion. The panel noted that, because the guarantors are jointly and severally liable, Bettison is not an indispensable party, and dismissing him would not prejudice the remaining guarantors. 832 F.2d. at 420, citing Fed.Rule Civ.Proc. 19(b). The panel then proceeded to the merits of the case, ruling in*

Newman-Green's favor in large part, but remanding to allow the District Court to quantify damages and to resolve certain minor issues.[2]  
[Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)]

The U.S. Supreme Court above was trying to deceive the audience by not clarifying WHAT type of “citizen” Bettison was. They refer to CONSTITUTIONAL political citizens and STATUTORY civil citizens with the same name, which indirectly causes the audience to believe that NATIONALITY and DOMICILE are synonymous. This is called “equivocation” in the legal field:

**equivocation**

EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. **Equivocation is incompatible with the Christian character and profession.**  
[SOURCE: <http://1828.mshaffer.com/d/search/word/equivocation/>]

**Equivocation** ("to call by the same name") is an [informal logical fallacy](#). It is the misleading use of a term with more than one [meaning](#) or [sense](#) (by glossing over which meaning is intended at a particular time). It generally occurs with [polysemic](#) words (words with multiple meanings).

Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.<sup>60</sup>

It is therefore distinct from (semantic) [ambiguity](#), which means that the context doesn't make the meaning of the word or phrase clear, and [amphiboly](#) (or syntactical ambiguity), which refers to ambiguous sentence structure due to [punctuation](#) or [syntax](#).<sup>61</sup>

[Wikipedia: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation/>]

They do this to unlawfully and unconstitutionally expand their importance and jurisdiction. Bettison in fact was a CONSTITUTIONAL political citizen but not a STATUTORY civil citizen, so the CIVIL case against him under the STATUTORY codes had to either be dismissed or he had to be removed because he couldn't lawfully be a defendant! Imagine applying this same logic to a case involving the (illegal) enforcement of the Internal Revenue Code to Americans abroad.

The first thing we notice about the Foreign Affairs Manual (F.A.M.) cite above is the use of the phrase “privileges of citizenship”. Both voting and serving on jury duty are and always have been PRIVILEGES that can be taken away, not RIGHTS that are inalienable. The fact that they are revocable privileges is the reason why convicted felons can't vote or serve on jury duty, in fact.<sup>62</sup>

**“In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.**

*Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*

*Exclusive Franchise. See Exclusive Privilege or Franchise. “*  
*[Black's Law Dictionary, Fourth Edition, pp. 786-787]*

<sup>60</sup> Damer, T. Edward (2009), [Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments](#) (6th ed.), Wadsworth, p. 121, ISBN 978-0-495-09506-4

Fischer, D. H. (June 1970), [Historians' fallacies: toward a logic of historical thought](#), Harper torchbooks (first ed.), New York: HarperCollins, p. 274, ISBN 978-0-06-131545-9, OCLC 185446787

<sup>61</sup> Damer, T. Edward (2009), [Attacking Faulty Reasoning: A Practical Guide to Fallacy-free Arguments](#) (6th ed.), Wadsworth, p. 123, ISBN 978-0-495-09506-4

<sup>62</sup> “As of 2010, 46 states and the District of Columbia deny the right to vote to incarcerated persons. Parolees are denied the right in 32 states. Those on probation are disenfranchised in 29 states, and 14 states deny for life the right of ex-felons to vote.”  
SOURCE: [http://www.ehow.com/facts\\_6751209\\_felony-conviction-voting-rights.html](http://www.ehow.com/facts_6751209_felony-conviction-voting-rights.html)”

Those who refuse to be enfranchised or privileged in any way therefore cannot consent to or exercise the obligations or accept the “benefits” of such privileges, and they have a RIGHT to do so. To suggest otherwise is to sanction involuntary servitude in violation of the Thirteenth Amendment.

It is clearly an absurd and irrational usurpation to say that “nationality” is synonymous with being a PRIVILEGED STATUTORY civil “citizen\*\*+D” and that we can abandon or expatriate our nationality to evade or avoid the privileges. Under the English monarchy, “nationality” and “citizen” status are synonymous and EVERYONE is a “subject” whether they want to be or not. In America, they are not synonymous and you cannot be compelled to become a subject without violating the First Amendment and the Fifth Amendment. Forcing people to abandon their nationality to become unenfranchised actually accomplishes the OPPOSITE and makes them MORE enfranchised, in fact. That is because by doing so they become YET ANOTHER type of enfranchised entity called an “alien” who is a slave to a whole different set of “privileges”.

*“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”*  
[The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87]

There MUST be a status that carries with it NO PRIVILEGES or obligations and if there is NOT, then the entire country is just a big FARM for government animals akin to that described below:

*How to Leave the Government Farm*, Form #12.020  
<http://www.youtube.com/watch?v=Mp1gJ3iF2Ik&feature=youtu.be>

It would therefore seem based on 8 Foreign Affairs Manual (F.A.M.) 301.1-1(b)(1) (<https://fam.state.gov/FAM/08FAM/08FAM030101.html>) that those who refuse to register to vote or serve on jury duty would satisfy the requirement above of being a “non-citizen national”. Hence, withdrawing consent to be jurist or voter alone would seem to demote us from being a civil “citizen\*\*+D” to being a “non-citizen national”. However, there is no congressional act that grants this substandard status to anyone OTHER than those in federal possessions such as American Samoa or Swains Island. Hence, claiming the status of “non-citizen national” would have to be done delicately with care so as not to confuse yourself with those born in or domiciled in the federal possessions of American Samoa and Swain’s Island, who are described in 8 U.S.C. §1408 and 8 U.S.C. §1452.

“non-citizen nationals of the United States\*\* at birth” are described in 8 U.S.C. §1408, 8 U.S.C. §1452, and 8 U.S.C. §1101(a)(22)(B). However, these statutes only define political statuses of those born in federal possessions. Those physically situated or domiciled in a constitutional state would not be described in those statutes but would be eligible to be called a “national” under the common law and not statutes as described in Perkins v. Elg., 1939, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320.

*“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being set aside. See, e.g., Jackman v. Rosenbaum Co., 260 U.S. 22, 31 (1922) (Holmes, J.) (“If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it[.]”); Walz v. Tax Comm’n, 397 U.S. 664, 678 (1970) (“It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use . . . Yet an unbroken practice . . . is not something to be lightly cast aside.”). And while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not within the Constitution’s breadth. See U.S. Const. art. IV, § 3, cl. 2 (“Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States.”); id. at art. I, § 8, cl. 4 (Congress may “establish a uniform Rule of Naturalization . . .”). To date, Congress has not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice.16”*  
[Tuaua v. U.S.A., 951 F.Supp.2d. 88 (2013)]

Those among our readers who do NOT want to be privileged statutory “citizens”, do not want to abandon their nationality, and yet who also do not want to call themselves “non-citizen nationals” may therefore instead refer to themselves simply as “non-resident non-persons” under federal law. Below is our definition of that term from the SEDM Disclaimer:

## **SEDM Disclaimer**

### **Section 4: Meaning of Words**

#### **4.25. “Non-Person” or “Non-Resident Non-Person”**

The term “non-person” or “non-resident non-person” ([Form #05.020](#)) as used on this site we define to be a human who is all of the following:

1. Not domiciled on federal territory and not representing a corporate or governmental office that is so domiciled under [Federal Rule of Civil Procedure 17](#). See [Form #05.002](#) for details.
2. Not engaged in a public office within any government. This includes the civil office of “person”, “individual”, “citizen”, or “resident”. See [Form #05.037](#) and [Form #05.042](#) for court-admissible proof that statutory “persons”, “individuals”, “citizens”, and “residents” are public offices.
3. Not “purposefully or consensually availing himself” of commerce with any government. Therefore, they do not waive sovereign immunity under the [Foreign Sovereign Immunities Act \(FSIA\), 28 U.S.C. Chapter 97](#).
4. Obligations and Rights in relation to Governments:
  - 4.1. Waives any and all privileges and immunities of any civil status and all rights or “entitlements” to receive “benefits” or “civil services” from any government. It is a maxim of law that [REAL de jure governments \(Form #05.043\)](#) MUST give you the right to not receive or be eligible to receive “benefits” of any kind. See [Form #05.040](#) for a description of the SCAM of abusing “benefits” to destroy sovereignty. The reason is because they MUST guarantee your right to be self-governing and self-supporting:

*Invito beneficium non datur.*

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

*Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*

*A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

*Quilibet potest renunciare juri pro se inducto.*

*Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

*[Bouvier's Maxims of Law, 1856;*

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

- 4.2. Because they are not in receipt of or eligible to receive property or benefits from the government, they owe no CIVIL STATUTORY obligations to that government or any STATUTORY “citizen” or STATUTORY “resident”, as “obligations” are described in [California Civil Code Section 1428](#). This means they are not party to any contracts or compacts and have injured NO ONE as injury is defined NOT by statute, but by the common law. See [Form #12.040](#) for further details on the definition of “obligations”.
- 4.3. Because they owe no statutory civil obligations, the definition of “justice” REQUIRES that they MUST be left alone by the government. See [Form #05.050](#) for a description of “justice”.
5. For the purposes of citizenship on government forms:
  - 5.1. CIVIL “citizen” and “resident” are PUBLIC OFFICES and fictions of law within the national government and not human beings. Whenever [CIVIL STATUTORY obligations \(Form #12.040\)](#) attach to a [civil status \(Form #13.008\)](#) such as “citizen”, “resident”, or “person”, then the civil or legal status has to be voluntary or else unconstitutional involuntary servitude is the result in violation of the Thirteenth Amendment. President Obama even admitted that “citizen” is a public office in his Farewell Address. See [SEDM Exhibit #01.018](#) for proof. You have a RIGHT to not be an officer of the government WITHOUT even PAY! They even make you PAY for the privilege with income taxation, because the tax is imposed upon CIVIL “citizen” and “resident” in [26 C.F.R. §1.1-1\(a\)](#). Who else can institute SLAVERY like that and why can't you do that to THEM if we are all REALLY equal ([Form #05.033](#)) as the Constitution requires?



- 5.2. Does NOT identify as a CIVIL "citizen" (26 C.F.R. §1.1-1(a) and (b)), "resident" (alien under 26 U.S.C. §7701(b)(1)(A)), "U.S. citizen" (not defined in any statute), "U.S. resident" (not defined in any statute), or "U.S. person" (26 U.S.C. §7701(a)(30)).
- 5.3. Identifies himself as a "national" per 8 U.S.C. §1101(a)(21), 8 U.S.C. §1101(a)(22), and per common law by virtue of birth or naturalization within the CONSTITUTIONAL "United States\*\*\*".
- 5.4. Is NOT an "alien individual" in 26 C.F.R. §1.1441-1(c)(3)(i) because a "national" under 8 U.S.C. §1101(a)(21) or "U.S. national" under 22 C.F.R. §51.1 owing allegiance to a state of the Union and not the national or federal government. Thus, they are not subject to the presence test under 26 U.S.C. §7701(b) and may not lawfully be kidnapped into exclusive national government jurisdiction as a privileged alien "resident" or have a privileged "residence" (26 C.F.R. §1.871-2(b)) within the EITHER the statutory geographical "United States" in 26 U.S.C. §7701(a)(9) and (a)(10) or "United States\*" the COUNTRY in 26 C.F.R. §301.7701(b)-1(c)(2).
- 5.5. Is legislatively but not constitutionally "foreign" and "alien" to the national government by virtue of not having a domicile (for nationals under 8 U.S.C. §1101(a)(22)) or "residence" (for "alien individuals" under 26 C.F.R. §1.871-2(b)) within the exclusive legislative jurisdiction of the national government. The words "foreign" and "alien" by themselves are NOT defined within the Internal Revenue Code. This is MALICIOUSLY deliberate so as to DECEIVE the American public in states of the Union into FALSELY declaring a domicile or residence within the exclusive jurisdiction of the national government. By creating a VOLUNTEER CIVIL office and position of "citizen" in 26 C.F.R. §1.1-1(a) and (b), the average American in states of the Union is deceived using equivocation into VOLUNTEERING for a civil STATUTORY office under the Secretary of the Treasury called "citizen" and "resident" subject to exclusive national government jurisdiction. The "citizen" in this regulation is NOT the POLITICAL citizen, but a CIVIL citizen legislatively created and owned by Congress and thus a PRIVILEGE. Those in states of the Union who have neither a domicile nor residence within the exclusive jurisdiction of the national government and are not "subject to ITS jurisdiction" and who FALSELY CLAIM on a government form (Form #12.023) such as a W-9 that they are STATUTORY "U.S. persons" have in practical effect VOLUNTEERED to become privileged STATUTORY "taxpayers" and uncompensated officers of the national government EVERYWHERE IN THE WORLD who are on duty 24 hours a day, 7 days a week per 26 C.F.R. §1.1-1(a)! The corrupt, covetous government WANTS this process of volunteering to be invisible in order to VICTIMIZE the Americans into becoming surety to pay off an endless mountain of public debt that there is NO LIMIT on. That's criminal peonage in violation of 18 U.S.C. §1581 if you knew you could unvolunteer and aren't allowed to. It's also criminal human trafficking. You can't UNVOLUNTEER and leave the system until you know HOW you volunteered in the first place. See "Hot Issues: Invisible Consent" for details on how your consent was procured INVISIBLY. That process of volunteering to pay income tax that state nationals don't owe is exhaustively described in:

How American Nationals Volunteer to Pay Income Tax, Form #08.024

<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>.

6. Earnings originate from outside:

6.1. The STATUTORY "United States\*\*" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and

6.2. The U.S. government federal corporation as a privileged legal fiction.

Thus, their earnings are expressly EXCLUDED rather than EXEMPTED from "gross income" under 26 U.S.C. §871 and are a "foreign estate" under 26 U.S.C. §7701(a)(31). See 26 U.S.C. §872 and 26 C.F.R. §1.872-2(f) and 26 C.F.R. §1.871-7(a)(4) and 26 U.S.C. §861(a)(3)(C)(i) for proof.

7. Earnings are expressly EXCLUDED rather than EXEMPTED from STATUTORY "wages" as defined in 26 U.S.C. §3401(a) because all services performed outside the STATUTORY "United States\*\*" as defined in 26 U.S.C. §7701(a)(9) and (a)(10) (federal zone) and the CORPORATION "United States" as a legal fiction. Therefore, not subject to "wage" withholding of any kind for such services per:

7.1. 26 C.F.R. §31.3401(a)(6)-1(b) in the case of income tax.

7.2. 26 C.F.R. §31.3121(b)-3(c)(1) in the case of Social Security.

8. Expressly EXCLUDED rather than EXEMPTED from income tax reporting under:

8.1. 26 C.F.R. §1.1441-1(b)(5)(i).

8.2. 26 C.F.R. §1.1441-1(e)(1)(ii)(A)(1).

8.3. 26 C.F.R. §1.6041-4(a)(1).

9. Expressly EXCLUDED rather than EXEMPTED from backup withholding because earnings are not reportable by 26 U.S.C. §3406 and 26 C.F.R. §31.3406(g)-1(e). Only "reportable payments" are subject to such withholding.

10. Because they are EXCLUDED rather than EXEMPTED from income tax reporting and therefore withholding, they have no "taxable income".

10.1. Only reportable income is taxable.



- 10.2. There is NO WAY provided within the Internal Revenue Code to make earnings not connected to a [statutory "trade or business"/public office \(Form #05.001\)](#) under [26 U.S.C. §6041](#) reportable.
- 10.3. The only way to make earnings of a nonresident alien not engaged in the "trade or business" franchise taxable under [26 U.S.C. §871\(a\)](#) is therefore only when the PAYOR is lawfully engaged in a "trade or business" but the PAYEE is not. This situation would have to involve the U.S. government ONLY and not private parties in the states of the Union. The information returns would have to be a [Form 1042s](#). It is a crime under [18 U.S.C. §912](#) for a private party to occupy a public office or to impersonate a public office.
11. Continue to be a ["national of the United States"](#) (Form #05.006) and not lose their CONSTITUTIONAL citizenship while filing form 1040NR. See [26 U.S.C. §873\(b\)\(3\)](#). They do NOT need to "expatriate" their nationality to file as a "nonresident alien" and will not satisfy the conditions in [26 U.S.C. §877](#) (expatriation to avoid tax). Expatriation is loss of NATIONALITY, and NOT loss of STATUTORY "citizen" status under [8 U.S.C. §1401](#).
12. If they submit the [SEDM Form W-8SUB, Form #04.231](#) to control withholding and revoke their Form W-4, then they:
- 12.1. Can submit [SSA Form 7008](#) to correct your SSA earnings to zero them out. See [SEDM Form #06.042](#).
- 12.2. Can use [IRS Form 843](#) to request a full refund or abatement of all FICA and Medicare taxes withheld if the employer or business associate continues to file W-2 forms or withhold against your wishes. See [SEDM Form #06.044](#).
13. Are eligible to replace the SSN with a TEMPORARY Individual Taxpayer Identification Number (ITIN) that expires AUTOMATICALLY every year and is therefore NOT permanent and changes. If you previously applied for an SSN and were ineligible to participate, you can terminate the SSN and replace it with the ITIN. If you can't prove you were ineligible for Social Security, then they will not allow you to replace the SSN with an ITIN. See:
- 13.1. [Form W-7](#) for the application.  
<https://www.irs.gov/forms-pubs/about-form-w-7>
- 13.2. [Understanding Your IRS Individual Taxpayer Identification Number, Publication 1915](#)  
<https://www.irs.gov/pub/irs-pdf/p1915.pdf>
- 13.3. [Why You Aren't Eligible for Social Security, Form #06.001](#) for proof that no one within the exclusive jurisdiction of a constitutional state of the Union is eligible for Social Security.  
<https://sedm.org/Forms/06-AvoidingFranch/SSNotEligible.pdf>
14. Must file the paper version of IRS Form 1040NR, because there are no electronic online providers that automate the preparation of the form or allow you to attach the forms necessary to submit a complete and accurate return that correctly reflects your status. This is in part because the IRS doesn't want to make it easy or convenient to leave their slave plantation.
15. Is a SUBSET of ["nonresident aliens"](#) who are not required to have or to use Social Security Numbers (SSNs) or Taxpayer Identification Numbers (TINs) in connection with tax withholding or reporting. They are expressly excluded from this requirement by:
- 15.1. [31 C.F.R. §1020.410\(b\)\(3\)\(x\)](#) .  
<https://www.law.cornell.edu/cfr/text/31/1020.410>
- 15.2. [26 C.F.R. §301.6109-1\(b\)\(2\)](#) .  
<https://www.law.cornell.edu/cfr/text/26/301.6109-1>
- 15.3. [W-8BEN Inst. p. 1,2,4,5 \(Cat 25576H\)](#).  
<https://www.irs.gov/pub/irs-pdf/iw8ben.pdf>
- 15.4. [Instructions for the Requesters of Forms W-8BEN, W-8BEN-E, W-8ECI, W-8EXP, and W-8IMY, p. 1,2,6 \(Cat 26698G\)](#).  
<https://www.irs.gov/pub/irs-pdf/iw8.pdf>
- 15.5. [Pub 515 Inst. p. 7 \(Cat. No 16029L\)](#).  
<https://www.irs.gov/pub/irs-pdf/p515.pdf>
- More on SSNs and TINs at:  
[About SSNs and TINs on Government Forms and Correspondence, Form #05.012](#)  
<https://sedm.org/Forms/05-MemLaw/AboutSSNsAndTINs.pdf>  
[About SSNs and TINs on Government Forms and Correspondence, Form #04.104](#)  
<https://sedm.org/Forms/04-Tax/1-Procedure/AboutSSNs/AboutSSNs.htm>

They are "non-persons" BY VIRTUE of not benefitting from any civil statutory privilege and therefore being "PRIVATE". By "privilege", we mean ANY of the things described in [5 U.S.C. 553\(a\)\(2\)](#):

[5 U.S. Code § 553 - Rule making](#)

(a)This section applies, according to the provisions thereof, except to the extent that there is involved—

[...]

(2) a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

The above items all have in common that they are PROPERTY coming under [Article 4, Section 3, Clause 2](#) of the Constitution that is loaned or possessed or granted temporarily to a human being with legal strings attached. Thus, Congress has direct legislative jurisdiction not only over the property itself, but over all those who USE, BENEFIT FROM, or HAVE such property physically in their custody or within their temporary control. We remind the reader that Congress enjoys control over their own property NO MATTER WHERE it physically is, including states of the Union, and that it is the MAIN source of their legislative jurisdiction within the exclusive jurisdiction of Constitutional states of the Union!:

[United States Constitution](#)  
[Article 4, Section 3, Clause 2](#)

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

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**"The Constitution permits Congress to dispose of and to make all needful rules and regulations respecting the territory or other property belonging to the United States. This power applies as well to territory belonging to the United States within the States, as beyond them. It comprehends all the public domain, wherever it may be. The argument is, that the power to make 'ALL needful rules and regulations' 'is a power of legislation,' 'a full legislative power;' 'that it includes all subjects of legislation in the territory,' and is without any limitations, except the positive prohibitions which affect all the powers of Congress. Congress may then regulate or prohibit slavery upon the public domain within the new States, and such a prohibition would permanently affect the capacity of a slave, whose master might carry him to it. And why not? Because no power has been conferred on Congress. This is a conclusion universally admitted. But the power to 'make rules and regulations respecting the territory' is not restrained by State lines, nor are there any constitutional prohibitions upon its exercise in the domain of the United States within the States; and whatever rules and regulations respecting territory Congress may constitutionally make are supreme, and are not dependent on the situs of 'the territory.'"**  
*[Dred Scott v. Sandford, 60 U.S. 393, 509-510 (1856)]*

By property, we mean all the things listed in [5 U.S.C. §553\(a\)\(2\)](#) such as SSNs (property of the government per [20 C.F.R. §422.103\(d\)](#)), contracts (which are property), physical property, chattel property, "benefits", "offices", [civil statuses](#), privileges, civil statutory remedies, etc. A "[public office](#)" is, after all, legally defined as someone in charge of the PROPERTY of the "public",

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

Even the public office ITSELF is property of the national government, so those claiming any civil statutory status are claiming a civil office within the government. It is otherwise unconstitutional to regulate private property or private rights. The only way you can surrender your private status is to voluntarily adopt an office or civil status or the "benefits", "rights", or privileges attaching to said office or status, as we prove in:

1. [Civil Status \(Important!\)-SEDM](#)  
<https://sedm.org/litigation-main/civil-status/>
2. [Your Exclusive Right to Declare or Establish Your Civil Status](#), Form #13.008  
<https://sedm.org/Forms/13-SelfFamilyChurchGovnce/RightToDeclStatus.pdf>

3. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

It is custody or "benefit" or control of government/public property that grants government control over those handling or using such property:

*"The State in such cases exercises no greater right than an individual may exercise over the use of his own property when leased or loaned to others. The conditions upon which the privilege shall be enjoyed being stated or implied in the legislation authorizing its grant, no right is, of course, impaired by their enforcement. The recipient of the privilege, in effect, stipulates to comply with the conditions. It matters not how limited the privilege conferred, its acceptance implies an assent to the regulation of its use and the compensation for it."*  
*[Munn v. Illinois, 94 U.S. 113 (1876)]*

*"The rich rules over the poor,  
And the borrower is servant to the lender."*  
*[Prov. 22:7, Bible, NKJV]*

**Curses of Disobedience [to God's Laws]**

*"The alien [Washington, D.C. is legislatively "alien" in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.*

*"Moreover all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.*

*"Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with "trade or business" franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you. [Deut. 28:43-51, Bible, NKJV]*

You cannot MIX or comingle PRIVATE property with PUBLIC property without converting the PRIVATE property ownership from absolute to qualified. You must keep them SEPARATE at all times and it is the MAIN and MOST IMPORTANT role of government to maintain that separation. Governments, after all, are created ONLY to protect private property and the FIRST step in that protection is to protect PRIVATE property from being converted to PUBLIC property. For proof, see:

Separation Between Public and Private Course, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

What Congress is doing is abusing its own property to in effect create "de facto public offices" within the government, in violation of 4 U.S.C. §72, as is proven in:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

This is how we describe the reason why people should avoid privileges and thereby avoid possession, custody, use, or "benefit" of government/public property on the opening page of our site:

"People of all races, genders, political beliefs, sexual orientations, and nearly all religions are welcome here. All are treated equally under REAL "law". The only way to remain truly free and equal under the civil law is to avoid seeking government civil services, benefits, property, special or civil status, exemptions, privileges, or special treatment. All such pursuits of government services or property require individual and lawful consent to a franchise and the surrender of inalienable constitutional rights AND EQUALITY in the process, and should therefore be AVOIDED. The rights and equality given up are the "cost" of procuring the "benefit" or property from the government, in fact. Nothing in life is truly "free". Anyone who claims that such "benefits" or property should be free and cost them nothing is a thief who wants to use the government as a means to STEAL on his or her behalf. All just rights spring from responsibilities/obligations under the laws of a higher power. If that higher power is God, you can be truly and objectively free. If it is government, you are guaranteed to be a slave because they can lawfully set the cost of their property as high as they want as a Merchant under the U.C.C. If you want it really bad from people with a monopoly, then you will get it REALLY bad. Bend over. There are NO constitutional limits on the price government can charge for their monopoly services or property. Those who want no responsibilities can have no real/PRIVATE rights, but only privileges dispensed to wards of the state which are disguised to LOOK like unalienable rights. Obligations and rights are two sides of the same coin, just like self-ownership and personal responsibility. For the biblical version of this paragraph, read 1 Sam. 8:10-22. For the reason God answered Samuel by telling him to allow the people to have a king, read Deut. 28:43-51, which is God's curse upon those who allow a king above them. Click Here (<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>) for a detailed description of the legal, moral, and spiritual consequences of violating this paragraph."  
[SEDM Opening Page; <http://sedm.org>]

"Non-resident Non-Person" or "non-person" are synonymous with "transient foreigner", "in transitu", and "stateless" (in relation to the national government). We invented this term. The term does not appear in federal statutes because statutes cannot even define things or people who are not subject to them and therefore foreign and sovereign. The term "non-individual" used on this site is equivalent to and a synonym for "non-person" on this site, even though STATUTORY "individuals" are a SUBSET of "persons" within the Internal Revenue Code. Likewise, the term "private human" is also synonymous with "non-person". Hence, a "non-person":

1. Retains their sovereign immunity. They do not waive it under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97 or the longarm statutes of the state they occupy.
2. Is protected by the United States Constitution and not federal statutory civil law.
3. May not have federal statutory civil law cited against them. If they were, a violation of Federal Rule of Civil Procedure 17 and a constitutional tort would result if they were physically present on land protected by the United States Constitution within the exterior limits of states of the Union.
4. Is on an equal footing with the United States government in court. "Persons" would be on an UNEQUAL, INFERIOR, and subservient level if they were subject to federal territorial law.

Don't expect vain public servants to willingly admit that there is such a thing as a human "non-person" who satisfies the above criteria because it would undermine their systematic and treasonous plunder and enslavement of people they are supposed to be protecting. However, the U.S. Supreme Court has held that the "right to be left alone" is the purpose of the constitution. *Olmstead v. United States*, 277 U.S. 438. A so-called "government" that refuses to leave you alone or respect or protect your sovereignty and equality in relation to them is no government at all and has violated the purpose of its creation described in the Declaration of Independence. Furthermore, anyone from the national or state government who refuses to enforce this status, or who imputes or enforces any status OTHER than this status under any law system other than the common law is:

1. "purposefully availing themselves" of commerce within OUR jurisdiction.
2. STEALING, where the thing being STOLEN are the public rights associated with the statutory civil "status" they are presuming we have but never expressly consented to have.
3. Engaging in criminal identity theft, because the civil status is associated with a domicile in a place we are not physically in and do not consent to a civil domicile in.
4. Consenting to our Member Agreement.
5. Waiving official, judicial, and sovereign immunity.
6. Acting in a private and personal capacity beyond the statutory jurisdiction of their government employer.
7. Compelling us to contract with the state under the civil statutory "social compact".
8. Interfering with our First Amendment right to freely and civilly DISASSOCIATE with the state.
9. Engaged in a constitutional tort.

If freedom and self-ownership or "ownership" in general means anything at all, it means the right to deny any and all others, including governments, the ability to use or benefit in any way from our body, our exclusively owned private property, and our labor.

1 “We have repeatedly held that, as to property reserved by its owner for private use, “the right to exclude [others  
2 is] ‘one of the most essential sticks in the bundle of rights that are commonly characterized as property.’” [Loretto](#)  
3 [v. Teleprompter Manhattan CATV Corp.](#), 458 U.S. 419, 433 (1982), quoting [Kaiser Aetna v. United States](#), 444  
4 [U.S. 164, 176 \(1979\)](#). “  
5 [Nollan v. California Coastal Comm’n, 483 U.S. 825 (1987)]

6  
7 “In this case, we hold that the “right to exclude,” so universally held to be a fundamental element of the property  
8 right,[11] falls within this category of interests that the Government cannot take without compensation.”  
9 [Kaiser Aetna v. United States, 444 U.S. 164 (1979)]

10  
11 FOOTNOTES:

12 [11] See, e. g., [United States v. Pueblo of San Ildefonso](#), 206 Ct.Cl. 649, 669-670, 513 F.2d. 1383, 1394 (1975);  
13 [United States v. Lutz](#), 295 F.2d. 736, 740 (CA5 1961). As stated by Mr. Justice Brandeis, “[a]n essential element  
14 of individual property is the legal right to exclude others from enjoying it.” [International News Service v.](#)  
15 [Associated Press](#), 248 U.S. 215, 250 (1918) (dissenting opinion).

16 If you would like a W-8 form that ACCURATELY describes the withholding and reporting status of a “non-resident non-  
17 person”, see:

[W-8SUB](#), Form #04.231  
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf>

18 [SEDM Disclaimer, Section 4.25; [https://sedm.org/disclaimer.htm#4.25. Non-Person](https://sedm.org/disclaimer.htm#4.25.Non-Person)]

19  
20 The noteworthy silence of the courts on the VERY important subject of this section is what we affectionately call the  
21 following:

22 “The hide the presumption and hide the consent game.”

23 Corrupt judges know that:

- 24 1. All just powers of CIVIL government derive from the CONSENT of the governed per the Declaration of  
25 Independence.  
26 2. Any civil statutory power wielded by government against your consent is inherently UNJUST.  
27 3. The foundation of justice itself is the right to be left alone:

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

29 “Justice, as a moral habit, is that tendency of the will and mode of conduct which refrains from disturbing the  
30 lives and interests of others, and, as far as possible, hinders such interference on the part of others. This virtue  
31 springs from the individual's respect for his fellows as ends in themselves and as his co equals. The different  
32 spheres of interests may be roughly classified as follows: body and life; the family, or the extended individual  
33 life; property, or the totality of the instruments of action; honor, or the ideal existence; and finally freedom, or  
34 the possibility of fashioning one's life as an end in itself. The law defends these different spheres, thus giving rise  
35 to a corresponding number of spheres of rights, each being protected by a prohibition. . . . To violate the rights,  
36 to interfere with the interests of others, is injustice. All injustice is ultimately directed against the life of the  
37 neighbor; it is an open avowal that the latter is not an end in itself, having the same value as the individual's own  
38 life. The general formula of the duty of justice may therefore be stated as follows: Do no wrong yourself, and  
39 permit no wrong to be done, so far as lies in your power; or, expressed positively: Respect and protect the right.”  
40 [Readings on the History and System of the Common Law, Second Edition, Roscoe Pound, 1925, p. 2]

- 41 4. The first duty of government is to protect your right to be left alone by THEM, and subsequently, by everyone else.  
42 This right is NOT a privilege and cannot be given away or diminished if it truly is “unalienable”, as the Declaration of  
43 Independence (which is organic law enacted into law at 1 Stat. 1) says:



1 *"Justice is the end of government. It is the end of civil society. It ever has been, and ever will be pursued, until*  
2 *it be obtained, or until liberty be lost in the pursuit."*  
3 *[James Madison, The Federalist No. 51 (1788)]*

4 *"The makers of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They*  
5 *recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a*  
6 *part of the pain, pleasure and satisfactions of life are to be found in material things. They sought to protect*  
7 *Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the*  
8 *Government, the right to be let alone - the most comprehensive of rights and the right most valued by civilized*  
9 *men."*  
10 *[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,*  
11 *494 U.S. 210 (1990)]*

- 12 5. The government can only CIVILLY govern people with statutes who consent to become STATUTORY "citizens".
- 13 6. You have a RIGHT to NOT participate in franchises or privileges. The main reason for this is that you have a right to
- 14 be left alone and to deny OTHERS the benefit or use of your own body and property.
- 15 7. You can choose NOT to be a privileged STATUTORY "citizen" WITHOUT abandoning your nationality. Only in a
- 16 monarchy where everyone is a "subject" regardless of their consent can a government NOT allow this.
- 17 8. They can only CIVILLY government people who consent to become "citizens".
- 18 9. All men and all creations of men such as government are equal. Hence, an entire government of men has no more
- 19 power than a single human as a legal "person".
- 20 10. If government becomes abusive, you have a RIGHT and a DUTY under the Declaration of Independence to quit your
- 21 public office as a "citizen", and quit paying for the PRIVILEGE of occupying the position in the form of taxes.

22 *"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce*  
23 *them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide*  
24 *new Guards for their future security"*  
25 *[Declaration of Independence; SOURCE:*  
26 *[http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)]*

27 If everyone knew the above, they would abandon a totally corrupted government, quit subsidizing it, and let it starve to death  
28 long enough to fire the bastards and PEACEFULLY start over with no bloodshed and no violent revolution. Since they won't  
29 recognize your right to PEACEFULLY institute such reforms and DUTIES under the Declaration of Independence, indirectly  
30 you could say they are anarchists because the inevitable final result of not having a peaceful remedy of this kind is and will  
31 be violence, social unrest, massive injury, and bloodshed.

32 Like The Wizard of Oz, it's time to pull back the curtain, ahem, or the "robe", of these corrupt wizards on the federal bench  
33 and expose this FRAUD and confidence game for what it is. Let's return to Kansas, Dorothy. There's no place like home,  
34 and home is an accountable government that needs your explicit permission to do anything civil to you and which can be  
35 literally FIRED by all those who are mistreated.

### 36 **7.3 Domiciled "citizens\*\*+D"**

37 The key thing to notice in the legal dictionary definition of "citizen" earlier is that those who are "citizens\*\*+D" within a  
38 legislative jurisdiction are also subject to all civil laws within that legislative jurisdiction. Domicile and the civil status of  
39 "citizen\*\*+D" is always territorial and therefore, being a "citizen\*\*+D" is ALWAYS territorial and ALWAYS municipal.

40 *"...municipal [civil] law determines how citizenship may be acquired..."*  
41 *[Tomoya Kawakita v. United States, 190 F.2d. 506 (1951)]*

43 *"As municipal law determines how citizenship may be acquired, it follows that persons may have a dual*  
44 *nationality."<sup>[1]</sup>*  
45 *[Perkins v. Elg, 307 U.S. 325 (1939)]*

46  
47 FOOTNOTE:

48 <sup>[1]</sup> *Oppenheim's International Law, Vol. 1, § 308; Moore, International Law Digest, Vol. III, p. 518; Hyde,*  
49 *International Law, Vol. I, § 372; Flournoy, Dual Nationality and Election, 30 Yale Law Journal, 546; Borchard,*

Diplomatic Protection of Citizens Abroad, § 253; Van Dyne, *Citizenship of the United States*, p. 25; Fenwick, *International Law*, p. 165.  
[Perkins v. Elg, 307 U.S. 325 (1939)]

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### Definition of Municipal Law

"Municipal Law is the law specific to a particular city or county (known legally as a "municipality"), and the government bodies within those cities or counties. This can cover a wide range of issues, including everything from police power, zoning, education policies, and property taxes."  
[What is Municipal Law?, Findlaw; SOURCE: <https://hirealawyer.findlaw.com/choosing-the-right-lawyer/municipal-law.html>]

You can't participate in the government of a municipality as a citizen\*\*+D WITHOUT a civil domicile WITHIN the geography of a city or county. If you don't believe us, try going to your local registrar of voters (as we have) and tell them you are not domiciled there or ANYWHERE but want to register to vote. They will not allow you to do so. The fact that the civil statutory status of "citizen\*\*+D" is always municipal explains entirely why the "United States" had to be defined as the "District of Columbia" in the Internal Revenue Code: Its intention was to make us all virtual privileged "residents", resident agents of, and corporate officers of the municipality of the District of Columbia. It is THIS "United States" they mean when referring to "citizens\*\*+D of the United States\*\*" throughout the Internal Revenue Code. It is a CIVIL status, not a POLITICAL status:

TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]  
Sec. 7701. – Definitions

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

(9) United States

The term "United States" when used in a geographical sense includes only the States and the District of Columbia.

(10) State

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

Contrast the statutory term "citizen" with the word "national", which is NOT territorial, as we show in the next section. Note the following phrase in the definition of "citizen":

"'Citizens' are members of a political community who, in their associated capacity, have...submitted themselves to the dominion of a government [and all its laws] for the promotion of their general welfare and the protection of their individual as well as collective rights."  
[Black's Law Dictionary, Sixth Edition, p. 244]

Notice the phrase "for the protection of .. collective rights". Those who want to avoid what we call "collectivism" therefore cannot become a "citizen\*\*+D" under the civil statutes of any government, because you can't become a citizen\*\*+D without ALSO protecting COLLECTIVE rights. This may be why the Bible says on this subject the following:

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

For more on collectivism, see:

<p><u>Collectivism and How to Resist It Course</u>, Form #12.024 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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A “citizen\*\*+D” is therefore someone who was born somewhere within the country and who:

1. Maintains a PHYSICAL civil domicile within a specific geographical territory.
2. Owes allegiance to the “sovereign” within that jurisdiction, and
3. Participates in the functions of government by voting and serving on jury duty, which in fact are PUBLIC PRIVILEGES and not RIGHTS. Domicile, in fact, is a prerequisite for being eligible to vote in most jurisdictions.

The only people who are “subject to” federal civil statutory law, and therefore “citizens\*\*+D” under federal civil statutory law, are those people who have voluntarily chosen a civil domicile where the federal government has exclusive legislative/general jurisdiction, which exists only within the federal zone, under Article 1, Section 8, Clause 17 of the Constitution, Article 4, Section 3, Clause 2, and [40 U.S.C. §§3111](#) and 3112. Within the Internal Revenue Code, people born in the federal zone or domiciled there are described as being “subject to its jurisdiction” rather than “subject to the jurisdiction” as mentioned in the Fourteenth Amendment.

This area includes the District of Columbia, the territories and possessions of the United States\*\*, and the federal areas within states, which are all “foreign” with respect to states of the Union for the purposes of federal legislative jurisdiction. If you were born in a state of the Union and are domiciled there, you are not subject to federal jurisdiction unless the land you maintain a domicile on was ceded by the state to the federal government. Therefore, you are not and cannot be a “citizen\*\*+D” under federal law! If you aren’t a “citizen\*\*+D”, then you also can’t be claiming your children as “citizens\*\*+D” on IRS returns or applying for government numbers for them either!

We said earlier that the term “citizen\*\*+D” is always territorial and geographical. In the next section, we will show that the statutory term “national” is NOT territorial. Allegiance is always owed to legal “persons” or groups of “persons” such as nations, both of which are non-territorial. This is the LEGAL context rather than the GEOGRAPHICAL context. Therefore, the phrase “citizen\* of the United States\*\*\*\*” (corporation and not geography) in 26 C.F.R. §1.1-1(a) and (b) can be confusing to the reader, because the term doesn’t use the default geographical context.

#### 7.4 8 U.S.C. §1101(a)(21) “nationals”

A “national”, on the other hand, is simply someone who claims allegiance to the political body formed within the geographical boundaries and territory that define a “state”. That state can be an entire nation or simply a Constitutional state within that nation.

8 U.S.C. §1101: Definitions

(a) As used in this chapter—

(21) The term “national” means a person owing permanent allegiance to a state.

The above “state” is lower case, which means it can describe a legislatively but not constitutionally foreign entity such as a state of the Union. If it had been UPPER case, it would have been a federal territory because the context is a statute rather than the constitution.

A “state” is then defined as follows:

**“State. A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. *United States v. Kusche*, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. *Delany v. Moralitis*, C.C.A.Md., 136 F.2d. 129, 130. In its largest sense, a “state” is a body politic or a society of men. *Beagle v. Motor Vehicle Acc. Indemnification Corp.*, 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765. A body of people occupying a definite territory and politically organized under one government. *State ex re. Maisano v. Mitchell*, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. *Restatement, Second, Conflicts*, §3. Term may refer either to body politic of a nation (e.g. *United States*) or to an individual government unit of such nation (e.g. *California*).**

[...]

*The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A.B."*  
[Black's Law Dictionary, Sixth Edition, p. 1407]

Allegiance is NOT TERRITORIAL, but rather POLITICAL. You can have allegiance while situated ANYWHERE in the world. In fact, the doctrine of "jus sanguinis" grants NATIONALITY for people not born on the territory of the country they become nationals of.

*"JUS SANGUINIS. The right of blood. See Jus Soli."*

*"JUS SOLI. The law of the place of one's birth as contrasted with jus sanguinis, the law of the place of one's descent or parentage. It is of feudal origin. Hershey, Int. L. 237.*  
[Black's Law Dictionary, Fourth Edition, p. 1000]

The above methods of acquiring nationality and "national" status are based on the following aspect of the English common law:

*The fundamental principle of the common law with regard to English nationality was birth within the allegiance, also called "ligealty," "obedience," "faith," or "power" of the King. The principle embraced all persons born within the King's allegiance and subject to his protection. Such allegiance and protection were mutual -- as expressed in the maxim protectio trahit subjectionem, et subjectio protectionem -- and were not restricted to natural-born subjects and naturalized subjects, or to those who had taken an oath of allegiance, but were predicable of aliens in amity so long as they were within the kingdom. Children, born in England, of such aliens were therefore natural-born subjects. But the children, born within the realm, of foreign ambassadors, or the children of alien enemies, born during and within their hostile occupation of part of the King's dominions, were not natural-born subjects because not born within the allegiance, the obedience, or the power, or, as would be said at this day, within the jurisdiction, of the King.*  
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

The "allegiance" they are talking about above is that of a "national", because a national is someone who "owes allegiance". That allegiance is also mandatory in the issuance of passports:

22 U.S.C. §212

*No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States*

## **Title 22: Foreign Relations**

### **PART 51—PASSPORTS**

#### **Subpart A—General**

##### **§51.2 Passport issued to nationals only.**

(a) **A United States passport shall be issued only to a national of the United States (22 U.S.C. 212).**

(b) *Unless authorized by the Department no person shall bear more than one valid or potentially valid U.S. passport at any one time.*

[SD-165, 46 FR 2343, Jan. 9, 1981]

We conclude, based on the above and based on the fact that passports are issued only to "U.S. nationals" under 22 C.F.R §51.2, that all state nationals are CONSTITUTIONAL "nationals of the United States\*\*\* OF AMERICA". They are NOT, however, STATUTORY "nationals of the United States\*\*" described in 8 U.S.C. §1101(a)(22) defined below:

*Title 8 > Chapter 12 > Subchapter I > § 1101*  
*8 U.S. Code § 1101 - Definitions*

(22) The term "*national of the United States*" means

(A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

The following case establishes that those who are STATUTORY “nationals of the United States\*\*\*” described above have to be naturalized to become CONSTITUTIONAL “nationals of the United States\*\*\* OF AMERICA”. Indirectly, the below case also establishes that “naturalization” as used in Title 8 and as granted by 8 U.S.C. §1421 means the conferring of CONSTITUTIONAL “national” status rather than STATUTORY “national” status.

*Federal law classifies American Samoa as an "outlying possession" of the United States. Immigration and Naturalization Act ("INA") § 101(a)(29), 8 U.S.C. §1101(a)(29). As such, people born in American Samoa are U.S. nationals but not U.S. citizens at birth. INA § 308(1), 8 U.S.C. § 1408(1). The State Department's Foreign Affairs Manual ("FAM") accordingly categorizes American Samoa as an unincorporated territory and states that "the citizenship provisions of the Constitution do not apply to persons born there." 7 F.A.M. §1125.1(b). In accordance with INA and FAM, the State Department stamps the passports of people born in American Samoa with "Endorsement Code 09," which declares that the holder of the passport is a U.S. national but not a U.S. citizen. See Compl. ¶ 7; Defs.' Mem. at 6-7. American Samoans have been permitted to become naturalized U.S. citizens since 1952, but plaintiffs describe that process as "lengthy, costly, and burdensome." Compl. ¶¶ 47-48. American Samoans must relocate to another part of the United States to begin the naturalization process, and the citizenship application requires a \$680 fee, a moral character assessment, fingerprinting, and an English and civics examination. Pls.' Opp'n at 11 [Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

Both jus soli and jus sanguinis are the only methods of acquiring NATIONALITY, meaning “national”, status. Jus sanguinis is implemented in 8 U.S.C. §1401 for those born outside of constitutional states. Jus soli is implemented by the Fourteenth Amendment and permits nationality by virtue of birth on land within a constitutional state.

8 FAM 300  
U.S. CITIZENSHIP AND NATIONALITY  
8 FAM 301  
U.S. CITIZENSHIP  
8 FAM 301.1  
ACQUISITION BY BIRTH IN THE UNITED STATES  
(CT:CITZ-50; 01-21-2021)  
(Office of Origin: CA/PPT/S/A)  
8 FAM 301.1-1 INTRODUCTION  
(CT:CITZ-50; 01-21-2021)

a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:

(1) Jus soli (the law of the soil) - a rule of common law under which the place of a person's birth determines citizenship. In addition to common law, this principle is embodied in the 14th Amendment to the U.S. Constitution and the various U.S. citizenship and nationality statutes; and

(2) Jus sanguinis (the law of the bloodline) - a concept of Roman or civil law under which a person's citizenship is determined by the citizenship of one or both parents. This rule, frequently called "citizenship by descent" or "derivative citizenship", is not embodied in the U.S. Constitution, but such citizenship is granted through statute. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.

b. National vs. citizen: While most people and countries use the terms “citizenship” and “nationality” interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term “national of the United States”, as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship:

(1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, State, or local elections except in their place of birth. (See 7 FAM 012 and 7 FAM 1300 Appendix B Endorsement 09.);

(2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals. (See 7 FAM 1120 and 7 FAM 1100 Appendix P.);

(3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See 7 FAM 1125.); and



(4) See 7 FAM 1126 regarding the citizenship/nationality status of persons born on the Commonwealth of the Northern Mariana Islands (CNMI).

[Foreign Affairs Manual (F.A.M.), Department of State, Volume 8, Section 301.1-1;  
SOURCE: <https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

So when we claim “allegiance” as a “national”, we are claiming allegiance to a “state”, which is:

1. In the case of state/CONSTITUTIONAL political citizens, the collection of all people within the constitutional states of the Union, who are the sovereigns within our system of government. This is called the “United States\*\*\*”. People owing this kind of allegiance are called “subject to THE jurisdiction” earlier in section 1.6.1.
2. In the case of territorial/STATUTORY political citizens\* or nationals, the United States government or United States\*\*. It is NOT any of the people on federal territory, because they are all SUBJECTS rather than sovereigns within what the U.S. Supreme Court called the equivalent of “a British Crown Colony” in *Downes v. Bidwell*. People owing this kind of allegiance are called “subject to ITS jurisdiction”. See 26 C.F.R. §1.1-1(c).

Since the federal GOVERNMENT in item 2 above is a representative of the Sovereign People in states of the Union and was created to SERVE them, then owing that government allegiance is ALSO equivalent to being a “national of the United States\*\*\*” in the case of people born on federal territory. Therefore, the above two can be summarized as “national of the United States\*\*\*”.

The political body we have allegiance to as a “national” is **non-geographical** and can exist OUTSIDE the physical territory or exclusive jurisdiction of the sovereign to whom we claim allegiance. You can use a passport anywhere outside the country, but you must have allegiance to get one so as to be entitled to protection when abroad. However, be advised of the following maxim of law on this subject:

*Protectio trahit subjectionem, subjectio projectionem. Protection draws to it subjection, subjection, protection.*  
*Co. Litt. 65.*  
[Bouvier’s Maxims of Law, 1856;  
SOURCE: <http://famguardian.org/Publications/BouvierMaximsOfLaw/BouviersMaxims.htm>]

You cannot demand or expect CIVIL statutory protection from any government WITHOUT selecting a civil domicile and also becoming a “subject” of its CIVIL statutory franchise “codes”, because those laws, in fact, are the METHOD of delivering said protection.

Also, Americans born abroad to American nationals take on the citizenship of their parents, no matter where born per 8 U.S.C. §1401 and 8 U.S.C. §1408. Hence, the “United States” we claim allegiance to is non-geographical because even people when abroad are called “subject to THE jurisdiction”, meaning the POLITICAL rather than CIVIL or STATUTORY jurisdiction.

**“All persons born in the allegiance of the king are natural-born subjects, and all persons born in the allegiance of the United States are natural-born citizens. Birth and allegiance go together. Such is the rule of the common law, and it is the common law of this country, as well as of England. There are two exceptions, and only two, to the universality of its application. The children of ambassadors are in theory born in the allegiance of the powers the ambassadors represent, and slaves, in legal contemplation, are property, and not persons.”**  
[*United States v. Rhodes*, 1 Abbott, U.S. 28 (Cir. Ct. Ky 1866), Justice Swayne]

Note that as a “national” born within and domiciled within a state of the Union (a “state national”), we are NOT claiming allegiance to the *government* or anyone serving us within the government in their official capacity as “public servants”. As a “national”, we are instead claiming allegiance to the People within the legislative jurisdiction of the geographic region by virtue of a civil domicile there. This is because in states of the Union, the People are the Sovereigns, and not the government who serves them. Collectively, these people are called the “State”. All sovereignty and authority emanate from We the People as human beings and not from the government that serves them:

*“The words ‘people of the United States[\*\*\*]’ and ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this sovereignty. ...”*  
[*Boyd v. State of Nebraska*, [143 U.S. 135](#) (1892)]

*“From the differences existing between feudal sovereignties and Government founded on compacts, it necessarily follows that their respective prerogatives must differ. Sovereignty is the right to govern; a nation or State-*

sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens."  
[Chisholm, Ex'r. v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 454, 457, 471, 472) (1794)]

The Supreme Court of the United States\*\* described and compared the differences between “citizenship” and “allegiance” very succinctly in the case of Talbot v. Janson, 3 U.S. 133 (1795):

“Yet, it is to be remembered, and that whether in its real origin, or in its artificial state, allegiance, as well as fealty, rests upon lands, and it is due to persons. Not so, with respect to Citizenship, which has arisen from the dissolution of the feudal system and is a substitute for allegiance, corresponding with the new order of things. Allegiance and citizenship, differ, indeed, in almost every characteristic. Citizenship is the effect of compact; allegiance is the offspring of power and necessity. Citizenship is a political tie; allegiance is a territorial tenure. Citizenship is the charter of equality; allegiance is a badge of inferiority. Citizenship is constitutional; allegiance is personal. Citizenship is freedom; allegiance is servitude. Citizenship is communicable; allegiance is repulsive. Citizenship may be relinquished; allegiance is perpetual. With such essential differences, the doctrine of allegiance is inapplicable to a system of citizenship; which it can neither serve to controul, nor to elucidate. And yet, even among the nations, in which the law of allegiance is the most firmly established, the law most pertinaciously enforced, there are striking deviations that demonstrate the invincible power of truth, and the homage, which, under every modification of government, must be paid to the inherent rights of man.....The doctrine is, that allegiance cannot be due to two sovereigns; and taking an oath of allegiance to a new, is the strongest evidence of withdrawing allegiance from a previous, sovereign....”  
[Talbot v. Janson, 3 U.S. 133 (1795); From the syllabus but not the opinion; SOURCE:  
[http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supt/html/historics/USSC\\_CR\\_0003\\_0133\\_ZS.html](http://www.law.cornell.edu/supct/search/display.html?terms=choice%20or%20conflict%20and%20law&url=/supt/html/historics/USSC_CR_0003_0133_ZS.html)]

A “national” is not subject to the exclusive legislative civil jurisdiction and general sovereignty of the political body, but indirectly is protected by it and may claim its protection when abroad. For instance, when we travel overseas or change our domicile to abroad, we are known in foreign countries as “American Nationals” or:

1. “nationals”, or “state nationals”, or “nationals of the United States\*\*\* of America” or “United States\*\*\*” under 8 U.S.C. §1101(a)(21) if we were born in and are domiciled in a state of the Union.
2. “nationals of the United States\*\*\*” in a common law sense but NOT STATUTORY “nationals of the United States\*\*\*” described in 8 U.S.C. §1101(a)(22).
3. “nationals but not citizens of the United States\*\* at birth” under 8 U.S.C. §1408 and 8 U.S.C. §1452 if we were born in a federal possession, such as American Samoa or Swains Island.

Here is the definition of a “national of the United States\*\*\*” that demonstrates this, and note paragraph (a)(22)(B):

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.  
Sec. 1101. - Definitions

(a) As used in this chapter—

(22) The term “national of the United States[\*\*\*]” means

(A) a citizen of the United States[\*\*], or

(B) a person who, though not a citizen of the United States[\*\*], owes permanent [but not necessarily exclusive] allegiance to the United States[\*\*].

Consequently, the only time a “national” can also be described as a “citizen\*\*+D” is when he/she is domiciled within the territorial and exclusive legislative jurisdiction of the political body to which he/she claims allegiance. Being a “national” is therefore an attribute and a prerequisite of being a “citizen\*\*+D”, and the term can be used to describe “citizens\*\*+D”, as indicated above in paragraph (A). For instance, 8 U.S.C. §1401 describes the citizenship of those born within or residing within exclusive federal jurisdiction, and note that these people are identified as both “citizens\*\*\*” and “nationals”.

TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > Sec. 1401.  
Sec. 1401. - Nationals and citizens of United States[\*\*] at birth

The following shall be nationals and citizens of the United States[\*\*] at birth:

(a) a person born in the United States[\*\*], and subject to the jurisdiction thereof;

(b) a person born in the United States[\*\*] to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, That the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

## 7.5 Title 8 STATUTORY definitions

STATUTORY “nationals” are also further defined in [8 U.S.C. §1101](#) as follows:

[8 U.S.C. §1101 Definitions](#) [for the purposes of citizenship]

(a) As used in this chapter—

(21) The term “national” means a person owing permanent allegiance to a state.

(22) The term “national of the United States[\*\*]” means:

(A) a citizen of the United States[\*\*], or

(B) a person who, though not a citizen of the United States[\*\*], owes permanent allegiance to the United States[\*\*].

Note the suspect word “permanent” in the above definition. Below is the definition of “permanent” from the same title found in [8 U.S.C. §1101](#)(a)(31):

[8 U.S.C. §1101 Definitions](#) [for the purposes of citizenship]

(a) As used in this chapter—

(31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States[\*\*] or of the individual, in accordance with law.

For those of you who are Christians, you realize that this life is very temporary and that nothing on this earth can be permanent, and especially not your life:

*“In the sweat of your face you shall eat bread  
Till you return to the ground,  
For out of it you were taken;  
For dust you are,  
And to dust you shall return.”  
[God speaking to Adam and Eve, Gen. 3:19, Bible, NKJV]*

If we are going to be “dust”, then how can our intact living body have a permanent earthly place of abode? The Bible says in Romans 6:23 that “the wages of sin is death”, and that Eve brought sin into the world and thereby cursed all her successors so there is nothing more certain than death, which means there can be nothing physical that is permanent on earth including our very short lives. The only thing permanent is our spirit and not our physical body, which will certainly deteriorate and die. Therefore, there can be no such thing as “permanent allegiance” on our part to anything but God for Christians, because exclusive allegiance to God is the only way to achieve immortality and eternal life. Exclusive allegiance to anything but God is idolatry, in violation of the first four commandments of the ten commandments.

When we bring up the above kinds of issues, some of our readers have said that they don’t even like being called “nationals” as they are defined above, and we agree with them. However, it is a practical reality that you cannot get a passport within our society without being either a “citizen or non-citizen national of the United States\*”. The compromise we make in this sort of dilemma is to clarify on our passport application that:

1. The term “U.S.” as used on our passport application means the “United States of America” and not the federal United States\*\*.
2. The term “U.S.” used on the USA passport application excludes the federal corporation called the United States\*\*\*\* government.

3. We are not the statutory “national and citizen of the United States\*\* at birth” defined in 8 U.S.C. §1401. Instead, our citizen\* political status and nationality derive from the Fourteenth Amendment.
4. Anyone who interferes with our status declaration in the context of the passport application is doing the following, both of which are a violation of 22 U.S.C. §2721:
- 4.1. Interfering with our First Amendment right of free association and freedom from compelled association.
- 4.2. Compelling us to contract with the government in procuring a franchise status that we don’t consent to.

Below, in fact, is a procedure we use to apply for a passport without creating a false presumption that we are a “U.S. citizen” that worked for us:

Getting a USA Passport as a “state national”, Form #10.012  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>

Sneaky, huh? This is a chess game using “words of art” conducted by greedy lawyers to steal your property and your liberty, folks! Now we ask our esteemed readers:

*“After all the crazy circuitous logic and wild goose chasing that results from listening to the propaganda of the government from its various branches on the citizenship definitions, what should a reasonable man conclude about the meanings of these terms? We only have two choices:*

1. ‘United States’ as used in 8 U.S.C. §1101(a)(38) means the federal zone “United States\*\*” and ‘U.S.\*\* citizens\*’ are born in the federal zone under all federal statutes and “acts of Congress”. This implies that Americans born and domiciled outside the federal zone and in a constitutional state of the Union can only be state nationals per 8 U.S.C. §1101(a)(21).
2. ‘United States’ as used in 8 U.S.C. §1101(a)(38) means the the “United States\*\*” and entire country and political jurisdictions that are legislatively foreign to that of the federal government which are found in the states. This implies that most Americans can be BOTH statutory “nationals and citizens of the United States” per 8 U.S.C. §1401 and Fourteenth Amendment “citizens of the United States\*\*\*” at the same time.

We believe the answer is that our system of jurisprudence is based on “innocence until proven guilty”. In this case, the fact in question is: “Are you a “U.S.\*\* citizen\*\*+D”, and being “not guilty” means having our rights and sovereignty respected by our deceitful government under these circumstances implies being a “national” or a “state national”. Therefore, at best, we should conclude that the above analysis is correct and clearly explains the foundations of what it means to be a “national” or a “state national” and why most Americans fit that description. At the very worst, our analysis clearly establishes that federal statutory and case law, at least insofar as “U.S. citizenship” is very vague and very ambiguous and needs further definition. The U.S. Supreme Court has held that when laws are vague, then they are “void for vagueness”, null, and unenforceable. See the following cases for confirmation of this fact:

“A statute which either forbids or requires the doing of an act in terms so vague that men and women of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.”  
[*Connally v. General Construction Co.*, 269 U.S. 385 (1926)]

“It is a basic principle of due process that an enactment [435 U.S. 982 , 986] is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.”  
[*Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972), emphasis added]

We refer you to the following additional rulings of the U.S. Supreme Court on “void for vagueness” as additional authorities:

1. *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972)
2. *Cline v. Frink Dairy Co.*, 274 U.S. 445, 47 S. Ct. 681 (1927)
3. *Sewell v. Georgia*, 435 U.S. 982 (1978)

Here is the way one of our readers describes the irrational propaganda and laws the government writes:

*"If it doesn't make sense, it's probably because politics is involved!"*

## **7.6 Power to create is the power to tax and regulate**

As is shown in the following article, the power to create is the power to tax and regulate.

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

Congress can only tax or regulate that which it legislatively creates. All such creations are CIVIL FRANCHISES of the national government.

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

Congress did NOT create human beings. God did. It also didn't create CONSTITUTIONAL citizens under the Fourteenth Amendment or the nationality and "national" status they have by virtue of jus soli. We the People wrote the Constitution, not Congress. Hence, Congress can't tax or regulate CONSTITUTIONAL citizens directly. By CONSTITUTIONAL citizens we also mean "state nationals". Constitutional nationality ("national" status) is a PRIVATE RIGHT, not a revocable PUBLIC PRIVILEGE. The ability to tax or regulate PRIVATE property or PRIVATE rights is repugnant to the Constitution.

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

Congress, however, DID create the STATUTORY "national and citizen of the United States\*\* at birth" status under 8 U.S.C. §1401. That status is a public office by the admission of both the U.S. Supreme Court and the President of the United States. See:

*President Obama Admits in His Farewell Address that "Citizen" is a Public Office*, Exhibit #01.018  
YOUTUBE: <https://youtu.be/XjVyEZU0mlc>  
SEDM Exhibits Page: <http://sedm.org/Exhibits/ExhibitIndex.htm>

The "U.S.\*\* citizen\*" under 8 U.S.C. §1401 involves only federal territory under the exclusive jurisdiction of Congress. They therefore can tax and regulate all those with such status, regardless of where physically situated. That status is technically "property" of the national government that can be reclaimed or taken away on a whim. PRIVATE RIGHTS can't be legislatively taken but PUBLIC PRIVILEGES can.

*The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei [an 8 U.S.C. §1401 STATUTORY citizen]*. The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*,' the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. **While conceding that Bellei is an American citizen**, the majority states: 'He simply is not a Fourteenth-Amendment-first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth Amendment protects the citizenship of some Americans and not others.** [ . . . ]

*The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'*



The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view of what is 'fair, reasonable, and right.' Despite the concession that Bellei was admittedly an American citizen, and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground that the congressional action was not 'irrational or arbitrary or unfair.' The majority applies the 'shock-the-conscience' test to uphold, rather than strike, a federal statute. It is a dangerous concept of constitutional law that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,' the statute must be constitutional.

[ . . . ]

Since the Court this Term has already downgraded citizens receiving public welfare, *Wyman v. James*, 400 U.S. 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, *Labine v. Vincent*, 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the United States should have been expected. Once again, as in *James* and *Labine*, the Court's opinion makes evident that its holding is contrary to earlier decisions. Concededly, petitioner was a citizen at birth, not by constitutional right, but only through operation of a federal statute.  
[*Rogers v. Bellei*, 401 U.S. 815 (1971)]

## 7.7 Rights Lost By Becoming a statutory "U.S.\*\* citizen"

A state Citizen has the right to have any gun he/she wishes without being registered by virtue of residing on land protected by the constitution. A "U.S. citizen" under 8 U.S.C. §1401 does not when not on land protected by the Constitution. The District of Columbia is still protected by the constitution and therefore the Second Amendment. However, in some territories where the constitution doesn't apply it a felony to own a handgun unless you are a police officer or a security guard. Territories have not been admitted into the Union. Therefore the people of the territories are not protected by the Second Amendment or any other part of the Bill of Rights. Despite the lack of legal guns in some territories, crime is rampant. This should prove that gun control/victim disarmament laws do not work in America. Across the country, there is an assault on guns. If you are a "U.S.\*\* citizen" and you are using Second Amendment arguments to protect your rights to keep your guns, I believe you are in for a surprise. First by registering gun owners then renaming guns 'Assault Weapons' and 'Handguns', those in power will take away your civil right to bear arms. Of course, they won't tell you that the right to keep and bear arms is a civil right and not a natural right for a U.S. citizens. The Supreme court has ruled that you as an individual have no right to protection by the police. Their only obligation is to protect "society". The real protection for state Citizens to keep their guns is not the Second Amendment but the Ninth Amendment.

A state Citizen has the right to travel on the public easements (public roads) without being registered. A statutory "U.S. citizen" on federal territory does not. It is a privilege for a foreigner to travel in any of the several states. If you are a territorial 8 U.S.C. 1401 U.S.\*\* citizen\*, you are a foreigner in a constitutional state. The state legislators can require foreigners and people involved in commerce (chauffeurs, freight haulers) to be licensed, insured, and to have their vehicles registered. When you register your car, you turn over power of attorney to the state. At that point, it becomes a motor vehicle. If it is not registered then it is not a motor vehicle and there are no motor vehicle statutes to break. There are common law rules of the road. If you don't cause an injury to anybody then you cannot be tried.

If your car is registered, the state effectively owns your car. The state supplies a sticker to put on your license plate every time you re-register the motor vehicle. Look closely at the sticker on your plate right now. You may be surprised to see that it says "OFFICIAL USE ONLY". (Note: In some states, they do not use stickers on the plate) You may have seen municipal vehicles that have signs on them saying "OFFICIAL USE ONLY" on them but why does yours? You do not own your car. You may have a Certificate of Title but you probably do not have the certificate of origin. You are leasing the state's vehicle by paying the yearly registration fee. Because you are using their equipment, they can make rules up on how it can be used. If you break a rule, such as driving without a seatbelt, you have broken the contract and an administrative procedure will make you pay the penalty. A state Citizen must be able to explain to the police officers why they are not required to have the usual paperwork that most people have. They should carry copies of affidavits and other paperwork in their car. The state Citizen should also be prepared to go to traffic court and explain it to the judge.

The right of trial by jury in civil cases, guaranteed by the 7th Amendment (*Walker v. Sauvinet*, 92 U.S. 90 (1875)), and the right to bear arms, guaranteed by the 2nd Amendment (*Presser v. Illinois*, 116 U.S. 252 (1886)), have been distinctly held not to be privileges and immunities of "citizens of the United States" guaranteed by the 14th Amendment against abridgment by the states, and in effect the same decision was made in respect of the guarantee against prosecution, except by indictment of a grand jury, contained in the 5th Amendment (*Hurtado v. California*, 110 U.S. 516 (1884)), and in respect of the right to be confronted with witnesses, contained in the 6th Amendment." *West v. Louisiana*, 194 U.S. 258 (1904).

The privileges and immunities [civil rights] of the 14<sup>th</sup> Amendment citizens were derived [taken] from....the Constitution, but are not identical to those referred to in Article IV, Sect. 2 of the Constitution [which recognizes the existence of state Citizens who were not citizens of the United States because there was no such animal in 1787]. Plainly spoken, RIGHTS in the constitution of the United States of America, which are recognized to be grants from our creator, are clearly different from the “civil rights” that were granted by Congress to its own brand of franchised CIVIL “U.S. citizen”.

*"A 'civil right' is a right given and protected by law [man's law], and a person's enjoyment thereof is regulated entirely by law that creates it."*  
[Nickell v. Rosenfield, 82 CA 369 (1927), 375, 255 P. 760.]

Title 42 of the USC contains the Civil Rights laws. It says "Rights under 42 USCS section 1983 are for citizens of the United States and not of state. *Wadleigh v. Newhall* (1905, CC Cal) 136 F 941."

In summary, what we are talking about here is a Master-Servant relationship. Being a CIVIL “person” with a domicile within federal jurisdiction makes us subject to federal laws and makes us into a CIVIL “citizen of the United States” under 26 C.F.R. §1.1-1(a). We become servants to our public servants. Those who file the IRS Form 1040 indicate a domicile in the District of Columbia, and have surrendered the protection of state law to become subject citizens. See IRS Document 7130<sup>63</sup>, which says that this form may only be filed by CIVIL “citizens and residents” of the “United States”, which is defined as the District of Columbia in 26 U.S.C. §7701(a)(9) and (a)(10).

## **7.8 Some statutory “nationals” are a revocable franchise and statutory privilege, not a constitutional or irrevocable right<sup>64</sup>**

The simplest technique to gather evidence that a specific offering within statutes is a franchise is to look for SPECIFIC instances where the PUBLIC right or privilege is REVOKED or TAKEN AWAY under the authority of a statute. By doing so, you are indirectly proving that the GOVERNMENT is the REAL owner or ABSOLUTE owner of the right or privilege. Recall that the ESSENCE of what it means OWN something is the right to exclude others.

*"Ownership: [ . . . ] The right of one or more persons to possess and use a thing to the exclusion of others. The right by which a thing belongs to someone in particular, to the exclusion of all other persons. The exclusive right of possession, enjoyment, and disposal; involving as an essential attribute the right to control, handle, and dispose."*  
[Black's Law Dictionary, Sixth Edition, p. 1106]

The fact that the government can REVOKE the use of specific property WITHOUT consent of the party possessing it at the time is proof that:

1. They are the REAL and absolute owner of the property.
2. You are a mere EQUITABLE owner of the property temporarily receiving its “benefits”.
3. The property is loaned to you with conditions.
4. They may control your use of the property while it is in your possession, and part of that control is the right to change physical custody of or title to the property.

The statutory POLITICAL status of “national of the United States\*” is an example of property you can be “loaned” temporarily in the case of 8 U.S.C. §1401(b)-(h) and 8 U.S.C. §§1402-1407. Below is an example of its REVOCATION by statute, in the case when the Philippines became independent:

*“Congress’ reclassification of Philippine “nationals” to alien status under the Philippine Independence Act was not tantamount to a “collective denaturalization” as petitioner contends. See Afroyim v. Rusk, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (holding that Congress has no authority to revoke United States citizenship). Philippine “nationals” of the United States were not naturalized United States citizens. See Manlangit v. INS, 488 F.2d. 1073, 1074 (4th Cir.1973) (holding that Afroyim addressed the rights of a naturalized American [CONSTITUTIONAL] citizen and therefore does not stand as a bar to Congress’ authority to revoke the non-citizen, “national” status of the Philippine inhabitants).”*  
[Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

<sup>63</sup> Available at: <http://famguardian.org/TaxFreedom/Forms/IRS/IRSDoc7130.pdf>.

<sup>64</sup> Source: *Government Instituted Slavery Using Franchises*, Form #05.030, Section 7.2; <https://sedm.org/Forms/FormIndex.htm>.

Hence, the STATUTORY POLITICAL status of “national of the United States\*” described in 8 U.S.C. §1101(a)(22), 8 U.S.C. §1408, and 8 U.S.C. §1452 CAN BE but not always ARE PRIVILEGES granted and loaned to those in possessions and territories which can be REVOKED legislatively WITHOUT the consent of those in its temporary possession. It is a FRANCHISE, not an inalienable right or PRIVATE right or PRIVATE property. Only in the case of Fourteenth Amendment citizens in 8 U.S.C. §1401(a) would the POLITICAL status be a RIGHT rather than a PRIVILEGE.

Below is ANOTHER example of how STATUTORY PUBLIC PRIVILEGES of people in territories are converted to INALIENABLE and IRREVOCABLE CONSTITUTIONAL rights when the territory joins the Union as a STATE of the Union. Territories are PROPERTY of the national government while CONSTITUTIONAL states of the Union are NOT federal territory or PROPERTY. States of the Union “own” themselves while territories have a landlord called “Uncle”:

*It is too late at this day to question the plenary power of Congress over the Territories. As observed by Mr. Justice Matthews, delivering the opinion of the court in Murphy v. Ramsey, 114 U.S. 15, 44: “It rests with Congress to say whether, in a given case, any of the people, resident in the 170\*170 Territory, shall participate in the election of its officers, or the making of its laws; and it may, therefore, take from them any right of suffrage it may previously have conferred, or at any time modify or abridge it as it may deem expedient. The right of local self-government, as known to our system as a constitutional franchise, belongs, under the Constitution, to the States and to the people thereof, by whom that Constitution was ordained, and to whom by its terms all power not conferred by it upon the government of the United States was expressly reserved. The personal and civil rights of the inhabitants of the Territories are secured to them, as to other citizens, by the principles of constitutional liberty which restrain all the agencies of government, state and national; their political rights are franchises which they hold as privileges in the legislative discretion of the Congress of the United States... If we concede that this discretion in Congress is limited by the obvious purposes for which it was conferred, and that those purposes are satisfied by measures which prepare the people of the Territories to become States in the Union, still the conclusion cannot be avoided, that the act of Congress here in question is clearly within that justification.”*

*Congress having the power to deal with the people of the Territories in view of the future States to be formed from them, there can be no doubt that in the admission of a State a collective naturalization may be effected in accordance with the intention of Congress and the people applying for admission.*

*Admission on an equal footing with the original States, in all respects whatever, involves equality of constitutional right and power, which cannot thereafterwards be controlled [by STATUTES of congress], and it also involves the adoption as citizens of the United States of those whom Congress makes members of the political community, and who are recognized as such in the formation of the new State with the consent of Congress.*

*[Boyd v. Nebraska, 143 U.S. 135 (1892); SOURCE:  
[https://scholar.google.com/scholar\\_case?case=18118755496880257167](https://scholar.google.com/scholar_case?case=18118755496880257167)]*

The language above “cannot thereafter be controlled” is indicative that a RIGHT rather than a PUBLIC PRIVILEGE is conveyed and that the RIGHT is PRIVATE and cannot be taken away without CONSENT of the new owner. POLITICAL citizenship under the Fourteenth Amendment is a PRIVATE RIGHT that cannot unilaterally be taken away except by consent, whereas the political Citizen\* under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) is a PRIVILEGE and franchise.

The above case is most instructive because it describes how people in territories had to be “collectively naturalized” by act of Congress to change from statutory political “citizens\*” under 8 U.S.C. §1401 to CONSTITUTIONAL citizens at the time the territory became a constitutional state admitted into the union. These statutory political “U.S.\*\* citizens\*” in territories before they became states had to become naturalized to become CONSTITUTIONAL citizens. In other words, they switched from 8 U.S.C. §1101(a)(22)(A) and 8 U.S.C. §1401 STATUTORY citizens to 14th Amendment CONSTITUTIONAL citizens when the territory became a state.

When the new states of the Union were admitted, STATUTORY franchises such as 8 U.S.C. §1401 were converted into irrevocable CONSTITUTIONAL rights and from PUBLIC to PRIVATE, and that conversion was called “naturalization”. CONSTITUTIONAL naturalization is described in 8 U.S.C. §1421.

Notice further that the following case identifies a POLITICAL “national of the United States” born in the Philippines as a “PERMANENT RESIDENT”, meaning an ALIEN, so long as he was in the CONTINENTAL and CONSTITUTIONAL

1 united states. Therefore, the STATUTORY “national of the United States” mentioned in 8 U.S.C. §1101(a)(22) is a  
2 CONSTITUTIONAL alien:

Rabang v. Boyd, 353 U.S. 427 (1957)  
[https://scholar.google.com/scholar\\_case?case=9072441037225227210](https://scholar.google.com/scholar_case?case=9072441037225227210)

3 Thus, the CIVIL STATUTORY term “individual” in 26 C.F.R. §1.1441-1(c)(3) defined as an “alien” is referring to people  
4 from either a foreign country or the territories or possessions who are in the STATUTORY “United States”, meaning the  
5 District of Columbia, and to NO others per 26 U.S.C. §7701(a)(9) and (a)(10) and 4 U.S.C. §110(d).

6 For the rules describing how human beings are converted to PRIVILEGED STATUTORY CIVIL “persons” and  
7 “individuals”, see:

Proof That There Is a “Straw Man”, Form #05.042, Section 16  
<https://sedm.org/Forms/FormIndex.htm>

## 8. CITIZENSHIP AND ALL POLITICAL RIGHTS ARE INVOLUNTARILY EXERCISED AND THEREFORE CANNOT BE TAXABLE AND CANNOT BE “PRIVILEGES”

11 Earlier in section 3.1 on Federal (U.S.) citizens, we quoted the U.S. Supreme Court as saying that federal and state citizenship  
12 is “voluntary”. Here is the quote:

**“The citizen cannot complain, because he has voluntarily submitted himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.”**  
[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]]

19 And here is another similar quote by the same U.S. Supreme Court:

**“A State does not owe its origin to the Government of the United States, in the highest or in any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice of the people...A State is altogether exempt from the jurisdiction of the Courts of the United States, or from any other exterior authority, unless in the special instances when the general Government has power derived from the Constitution itself.”**  
[Chisholm v. Georgia, 2 Dall. (U.S.) 419 (Dall.) (1793)]

26 This section will examine this rather flawed premise of the U.S. Supreme Court in extreme detail to very clearly prove beyond  
27 any doubt not only that citizenship is not and cannot be “voluntary” or “consensual”, but also that all the “political rights”  
28 that circumscribe how we exercise our citizenship are in fact compelled and involuntary. By proving this flawed premise of  
29 the U.S. Supreme Court incorrect, we open up the following intriguing possibilities:

1. Contrary to what the U.S. Supreme Court said above, those misguided individuals who do choose to become second class “U.S.\*\* citizens+D” do have a right to complain because their participation is coerced and involuntary. That compulsion is described in the following document:

Identity Theft Affidavit, Form #14.020  
[https://sedm.org/Forms/14-PropProtection/Identity\\_Theft\\_Affidavit-f14039.pdf](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf)

2. We have a right to avoid government compulsion and compulsion from our fellow citizens by refusing to be “citizens” and refusing to exercise our civic duties.
3. If we choose to not participate as citizens\*\*+D in society, then the reward is not being subject to the laws of the government, which in most cases are dishonest and corrupt and covetous anyway. We are citizens of heaven and not of earth anyway (see Phil. 3:20). Once we are not subject to the laws of a society, it no longer matters what our fellow citizens do to the law to corrupt it for their own personal benefit, because we are sovereigns who are immune from

government regulation for the most part. If we aren't paying taxes and the government can't do anything to control or regulate us, does it matter whether we have "taxation without representation"?

What is a "political right"? Below is the definition of that term from Black's Law Dictionary:

**Political rights.** Those which may be exercised in the formation or administration of the government. Rights of citizens established or recognized by constitutions which give them the power to participate directly or indirectly in the establishment or administration of the government.  
[Black's Law Dictionary, Sixth Edition, p. 1159]

Political rights include such things as:

**Table 8: Political rights**

<b>Political right</b>	<b>Category</b>
Voting	Representation
Jury service	Representation
Serving in or running for political office	Representation
Paying taxes	Taxation

The concept of political rights and citizenship are tied together, and the reason they are tied together is that taxation and representation must be tied together in order to have a stable government. When taxation and representation are not tied together, governments become unstable and the people will eventually revolt. We therefore show in the above table the correlation between political rights on the left, and *taxation and representation* on the right. Remember that one of the main reasons for the American Revolution was to protest "taxation without representation". The British colonies that comprised America at the time were paying taxes but had no say in their government in how those taxes were spent, and they didn't like it so they started a revolution against Britain: the American Revolution! The representation part of political rights comes from voting, jury service, and serving in political office. The definition of "citizen" from the legal dictionary confirms the linkage between political rights and citizenship:

**citizen.** One who, under the [Constitution](#) and laws of the [United States](#), or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights**. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. [U.S. Const., 14th Amend.](#) See [Citizenship](#).

"Citizens" are members of a political community who, in their associated capacity, have established or **submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights**. *Herriott v. City of Seattle*, 81 Wash.2d. 48, 500 P.2d. 101, 109.

The term may include or apply to children of alien parents from in United States, *Von Schwerdtner v. Piper*, D.C.Md., 23 F.2d. 862, 863; *U.S. v. Minoru Yasui*, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, *Haaland v. Attorney General of United States*, D.C.Md., 42 F.Supp. 13, 22; *Indians, United States v. Hester*, C.C.A.Okl., 137 F.2d. 145, 147; *National Banks, American Surety Co. v. Bank of California*, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased resident, *Hunt v. Noll*, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States nor a state is a citizen for purposes of diversity jurisdiction. *Jizemerjian v. Dept of Air Force*, 457 F.Supp. 820. On the other hand, municipalities and other local governments are deemed to be citizens. *Rieser v. District of Columbia*, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth Amendment. *D.D.B. Realty Corp. v. Merrill*, 232 F.Supp. 629, 637.

Under diversity statute [[28 U.S.C. §1332](#)], which mirrors [U.S. Const, Article III](#)'s diversity clause, a person is a "citizen of a state" if he or she is a citizen of the United States and a domiciliary of a state of the United States. *Gibbons v. Udaras na Gaeltachta*, D.C.N.Y., 549 F.Supp. 1094, 1116.  
[Black's Law Dictionary, Sixth Edition, p. 244]

The above definition of "citizen" implies a CIVIL Citizen\*\*+D and not merely a POLITICAL Citizen\*. This is because they mention CIVIL RIGHTS which are implemented with CIVIL STATUTORY LAW, rather than mere CIVIL LIBERTIES which are NOT. Note from above definition of "citizen\*+D" that when you become a citizen\*\*+D, you choose to subject yourself to the CIVIL statutory laws of the political community or jurisdiction of which you are part. This is very important. We speculate that the reasoning behind this requirement is that you can't have the protection of laws that you yourself refuse to obey, because this would be hypocritical. In the case of federal statutes and "legislative jurisdiction" and "Acts of



1 Congress”, of which the Internal Revenue Code is a part, however, you don’t need to be subject to them because for the most  
2 part, they only apply inside the federal zone anyway, and most Americans don’t live in the federal zone.

3 The other thing that the above definition of “citizen\*\*+D” helps us to understand is that our government has defined  
4 citizenship such that *political rights depend on our citizenship status*, while the rest of our rights depend on where we reside  
5 and maintain a civil domicile. Look at these excerpts from the definition of “citizen\*\*+D” again:

6 “...owing allegiance and being entitled to the enjoyment of full civil rights...”

7 “‘Citizens’ are members of a political community who... submitted themselves to the dominion of a government  
8 for the promotion of their general welfare and the protection of their individual as well as collective rights.  
9 Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.”

10 The implication of the above definition of “citizen\*\*+D” is that *unless we are civil citizens\*\*+D, we do not have full civil*  
11 *STATUTORY rights, meaning PUBLIC PRIVILEGES*. Based on the logic above, if we are *not* civil citizens\*\*+D, our *rights*  
12 *instead are* protected by (but we are not “subject to” or “subservient to”) the Bill of Rights and the rest of the Constitution  
13 and that *we can only get political rights by becoming citizens\**, based on the government’s definition of “citizen\*” and  
14 “political rights”. There is a paradox here folks. Can you see it? We should always be looking for paradoxes and “cognitive  
15 dissonance” of this kind in order to properly challenge jurisdiction. Remember once again:

16 *“If it doesn’t make sense, it’s probably because politics is involved.”*

17 Here is “the rest of the story”, as Paul Harvey likes to say, that the government won’t tell you. A right is not something the  
18 government can interfere with or take away or regulate or revoke or that is subject to their discretion or any aspect of our  
19 voluntary behavior. *If the existence of our rights is conditional or based on any aspect of government discretion, then they*  
20 *aren’t rights, but privileges disguised as rights!* The government can lawfully interfere with and regulate the exercise of  
21 PUBLIC privileges, but not with PRIVATE rights. Consequently, what our deceitful government calls “political rights” in  
22 the definition above really aren’t “rights” at all, but “privileges” which depend on the voluntary decision to accept  
23 citizen\*\*+D status (which is a *behavior*) and the privileges that go with such CIVIL citizenship. Consequently, our  
24 government has made both citizenship and political participation in the affairs of government into a statutory PUBLIC  
25 privilege and not a PRIVATE unalienable right.

26 The most important thing that we should have learned from this chapter is that whenever we receive a government privilege  
27 there will be strings attached that will destroy our rights. In this case, receipt of the “citizenship” privilege makes us subject  
28 to taxation and regulation and jurisdiction by the federal government, none of which we need or want, nor will such status  
29 protect or enhance our rights or liberties, but rather destroy them. The following quote makes this point crystal clear:

30 *“In the matter of taxation, every privilege is an injustice.”*  
31 *[Voltaire ]*

32 Your covetous politicians are trying to fool you into thinking that it wasn’t a “privilege” you accepted by calling it “political  
33 rights”, but we have already established that *it cannot be a PRIVATE unalienable right if it is conditioned on anything* or on  
34 any aspect of your voluntary behavior, including the choice to become a POLITICAL “Citizen\*”. Once again, our deceitful  
35 government has entrapped us with word games. If they are going to call it a “political right”, then they better treat it as right  
36 and remove the requirement to be a citizen in order to exercise that right, so that we really do have “rights” instead of  
37 “privileges” masquerading as “counterfeit rights”. As I like to say:

38 *If you want people to swallow a piece of shit, you have to wrap it in a pretty package by coating it in chocolate*  
39 *and calling it a “Babe Ruth” candy bar.*

40 In this case, the “chocolate coating” for the “shit” you don’t want to swallow called “Citizen\*\*+D” is the word “right” in  
41 “political rights”! Please pardon our language, but we just couldn’t resist this very appropriate metaphor!

42 One of our readers, after reading the foregoing analysis of “citizenship” and “political rights”, responded by saying:

43 *“But how are you going to keep foreigners from voting so they don’t commit treason and trash the country?”*

44 The answer is that so long as people are born in United States\*\*\* of America, not United States\*\* the *federal zone*, and as  
45 long as they have allegiance to the United States\*\*\* of America, rather than the federal corporation called the United

States\*\*\*\*, then they should be able to vote because they have the best interests of the country in mind when they have allegiance to it. The status of being *both* born in the United States\*\*\* of America and having allegiance to it, collectively, is called “nationality”, and you will find out later in section 7.5 what being a “national” means, why that is the status you want to have, and why you don’t have to pay taxes or be in receipt of government privileges to have that status. You will also find out in that section that most states have colluded to deprive you of your private rights by passing laws to force you to become domiciled civil “U.S.\*\* citizen\*\*+D” in order to exercise political rights such as voting or serving on jury duty. The federal government has added to this injury by messing with the passport application forms to make it look like you have to be a privileged “U.S. citizen\*\*+D” in order to get a U.S. passport, but this also is not a lawful requirement. The states and the federal government have conspired against your rights in this fashion because they want to:

1. Force you to lie to them in saying that you are a “U.S.\*\* citizen”, in direct violation of the Ten Commandments, which says in Exodus 20:16 that we shall not bear false witness. Remember our analysis in section 19.1: to be a “U.S.\*\* citizen”, you must be born in the federal United States (federal zone) in an area subject to the sovereignty of the United States Government under Article 1, Section 8, Clause 17 of the Constitution. Most Americans are not born there and more properly are classified as “nationals” born outside the federal United States\*\*.
2. Break down the separation of powers between the federal and state governments, and force you to serve two masters instead of one, in direct violation of the Bible, Luke 16:13 (“...no man can serve two masters...”). The lie you committed by simultaneously declaring yourself to be both a U.S. and a state citizen also violates the rulings of the Supreme Court in *U.S. v. Lopez*, 514 U.S. 549 (1995) and the intent of the constitution, which says:

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

Remember that by default, all federal legislation and “Acts of Congress” only apply inside the federal zone, and we will explain this matter in great detail in section 5.2 and subsections. But if the thieves and robbers who are our elected leaders can make you a CIVIL “citizen\*\*+D” in receipt of “privileges”, then they can make you subject to their laws even if you don’t live on their property. By doing so, they can make you into property and a franchise of the United States government and treat you as though you occupy the federal zone anyway. Sneaky, huh? At that point, these covetous and arrogant thugs and murderers have succeeded in breaking down the wall of separation between the state and federal jurisdictions at great injury to your liberties. They have then forced you to serve two masters in direct violation of the bible in Luke 16:13. Ultimately, this leads to socialism, tyranny, and an oppression of and conspiracy against your constitutional rights, as we explain throughout this book.

3. Once the government “thugs”, murderers, and thieves coax you into the federal zone, they can then legally deprive you of your constitutional rights and make you a slave of income taxes and not be held accountable by the courts or the law for their actions of trespass on your person, property, and liberty. The constitution and bill of rights, remember, do not apply in the federal zone. That is why we call the federal zone the “plunder and fraud” zone.

Justice Harlan of the Supreme Court warned us that this was going to happen in his dissenting opinion found in *Downes v. Bidwell*, 182 U.S. 244 (1901):

*“The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to.. **I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.. It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution.**”*  
[*Downes v. Bidwell*, 182 U.S. 244 (1901)]

When are people going to wake up? We believe the foregoing analysis also explains why there is a long-term trend toward reduced participation of the people in the political process. Most states require you to be a “U.S. citizens” to vote and they do it so they can use voting as a way to get jurisdiction to impose income taxes. If corrupt politicians and lawyers writing our state laws have forced the people to give up their constitutional rights and their sovereignty and be subject to unwanted socialist federal jurisdiction in order to participate in the political process and have “political rights”, is it any wonder that they no longer wish to participate? If our state governments sincerely want to fix the problem of low voter turnout and people being unwilling to serve on jury duty, then what they need to do is:

1. Admit in their election literature that most people are “nationals” and not “U.S.\*\* citizens\*” or “U.S.\*\* citizen\*\*+D.
2. Remove the legal requirement to be a “U.S. citizen\*\*+D” in order to vote or serve on jury duty. Instead, make the requirement that they must be “nationals” instead, under 8 U.S.C. §1101(a)(21).
3. Tell people that by serving on jury duty and participating in elections, they are defending their liberty and that if they don’t, the government and the laws will become corrupted. The state should remind people that keeping our government and the state laws honest and limited in power is everyone’s job.

Of course, if the states did this, most of them would lose their jurisdiction to impose state income taxes. Don’t hold your breath waiting for them to do the honorable thing documented above, because you will die of suffocation!

*“The love of money is the root of all evil.”  
[1 Tim. 6:10, Bible, NKJV]*

In satisfying the goals of this section on the subject of political rights, we rely mainly upon the writings of Lysander Spooner and his brilliant essay available on our website at:

*No Treason: The Constitution of No Authority*, Lysander Spooner  
<http://famguardian.org/PublishedAuthors/Indiv/SpoonerLysander/NoTreason.htm>

In the above essay, Lysander Spooner uses reason and common sense alone to examine the two most important aspects of citizenship, that of voting and paying taxes, and concludes that the only reason people do these things is for selfish reasons and in defense of their personal liberties from what he aptly calls “bands of robbers, tyrants, and murderers” who he says inhabit “the government”. His analysis is so compelling and indisputable that we repeat it here for your benefit and edification. His essay is also so irreverent towards the government and public “servants” (tyrants) that it is funny!

What Lysander does is simply prove that the exercise of civic responsibility in the form of voting and payment of taxes are done under compulsion from the government and under the implied influence and duress and coercion by other of his fellow citizens within a competitive and dog-eat-dog, democracy, who will trample his natural rights if he isn’t politically involved and doesn’t defend those rights by vigilantly exercising all of his civic responsibilities.

We’ll start off the analysis in subsequent sections with a legal definition of the word “voluntary”:

*“voluntary. Unconstrained by interference; unimpelled by another’s influence; spontaneous; acting of oneself. Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. Proceeding from the free and unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration; as, a voluntary deed.”*  
[Black’s Law Dictionary, Sixth Edition, p. 1575]

In the next few subsections, we’ll examine each aspect of political rights individually. However, before we start looking at the trees, consider the forest and the bigger picture. For instance, have you ever considered that our life and our existence itself is involuntary? We never asked to be here: our parents chose to put us here without our consent or involvement. Life was an involuntary gift from our parents to us and we couldn’t choose whether we wanted it or not before we received it. Our very existence is involuntary and nonconsensual! Everything we do after we are born and come into existence in order to maintain and protect a life that we never asked for to begin with is involuntary, because our very life is involuntary. This life, in fact, is a “death sentence” by God Himself for the original sin of Adam and Eve documented in the bible in the book of Genesis in chapter 3. Because Adam and Eve sinned by disobeying God and eating the fruit, and because the “wages of sin is death” (Romans 6:23), then His sentence was a death sentence. Before that sentence, Adam and Eve were immortal. In that context, God was the “judge” who administered His righteous death sentence according to His Laws. Recall also that

the Fifth Amendment of our Constitution prohibits double jeopardy, which is two trials and two sentences for the same crime. If God already sentenced us to death for our sin, then the Fifth amendment is violated if the government tries to punish us a second time with direct taxes in the process of toiling to sustain and support a life we never asked for to begin with.

Remember the definition of “voluntary” above: “Unconstrained by interference; unimpelled by another’s influence”. In this case, that unwanted influence came from a combination of our parents bringing us into existence, and God allowing them to do that. Every other argument about political rights derives from this higher argument and is a product of reason and common sense, which are rare entities indeed in today’s society and especially among democratic candidates. We have an article on our Life web page of our website from the French Supreme Court where one individual born with birth defects sued his doctor for the right to NOT be born because it was suffering for him! See the article for yourself:

<http://famguardian.org/Subjects/AbortionCloning/News/RightNotToBeBorn.htm>

Common sense also confirms the validity of this premise. For instance, many parents choose not to have children because they don’t want to force their children to undergo poverty or an unpleasant lifestyle in a corrupted or crowded society. Note that word “force”. That argument applies to the author, for instance. Why would I want to bring more willing federal slaves and serfs to an illegal income tax into the world to serve a corrupted government unless and until our tax system is reformed?

As yet another example of why life is involuntary, the rate of teen suicide in America today is the highest it has ever been. Those teens who choose suicide have chosen to give back a gift from their parents that they apparently don’t appreciate or want. We would argue that the reason these teens are committing suicide is because our public/government schools have become antiseptic prison houses devoid of God or any spiritual training. They have become training camps to brainwash gullible youth into becoming federal serfs. Our public schools are fool factories where psychologists are making children into drug addicts and forcing them in unprecedented numbers to take mind altering drugs to make them submissive to authority. Nonconformity and questioning of authority is punished, not encouraged or developed as the product of an inquisitive and sovereign mind and person.

If you would like to look at what the citizenship requirements for various political rights are within your state, we have compiled a listing by state at the web address below:

*Political Rights v. Citizenship by State*, Family Guardian Fellowship

<http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm>

## 8.1 Voting<sup>65</sup>

All the voting that has ever taken place under the Constitution, has been of such a kind that it not only did not pledge the whole people to support the Constitution, but it did not even pledge any one of them to do so, as the following considerations show.

1. In the very nature of things, the act of voting could bind nobody but the actual voters. But owing to the property qualifications required, it is probable that, during the first twenty or thirty years under the Constitution, not more than one-tenth, fifteenth, or perhaps twentieth of the whole population (black and white, men, women, and minors) were permitted to vote. Consequently, so far as voting was concerned, not more than one-tenth, fifteenth, or twentieth of those then existing, could have incurred any obligation to support the Constitution.

At the present time [1869], it is probable that not more than one-sixth of the whole population are permitted to vote. Consequently, so far as voting is concerned, the other five-sixths can have given no pledge that they will support the Constitution.

2. Of the one-sixth that are permitted to vote, probably not more than two-thirds (about one-ninth of the whole population) have usually voted. Many never vote at all. Many vote only once in two, three, five, or ten years, in periods of great excitement.

<sup>65</sup> From an essay entitled *No Treason: The Constitution of No Authority*, by Lysander Spooner, part II.

No one, by voting, can be said to pledge himself for any longer period than that for which he votes. If, for example, I vote for an officer who is to hold his office for only a year, I cannot be said to have thereby pledged myself to support the government beyond that term. Therefore, on the ground of actual voting, it probably cannot be said that more than one-ninth or one-eighth, of the whole population are usually under any pledge to support the Constitution. [In recent years, since 1940, the number of voters in elections has usually fluctuated between one-third and two-fifths of the populace.]

3. It cannot be said that, by voting, a man pledges himself to support the Constitution, unless the act of voting be a perfectly voluntary one on his part. Yet the act of voting cannot properly be called a voluntary one on the part of any very large number of those who do vote. It is rather a measure of necessity imposed upon them by others, than one of their own choice. On this point I repeat what was said in a former number, viz.:

*"In truth, in the case of individuals, their actual voting is not to be taken as proof of consent, even for the time being. On the contrary, it is to be considered that, without his consent having even been asked a man finds himself environed by a government that he cannot resist; a government that forces him to pay money, render service, and forego the exercise of many of his natural rights, under peril of weighty punishments. He sees, too, that other men practice this tyranny over him by the use of the ballot. He sees further, that, if he will but use the ballot himself, he has some chance of relieving himself from this tyranny of others, by subjecting them to his own. In short, he finds himself, without his consent, so situated that, if he use the ballot, he may become a master; if he does not use it, he must become a slave. And he has no other alternative than these two. In self-defence, he attempts the former. His case is analogous to that of a man who has been forced into battle, where he must either kill others, or be killed himself. Because, to save his own life in battle, a man takes the lives of his opponents, it is not to be inferred that the battle is one of his own choosing. Neither in contests with the ballot -- which is a mere substitute for a bullet -- because, as his only chance of self-preservation, a man uses a ballot, is it to be inferred that the contest is one into which he voluntarily entered; that he voluntarily set up all his own natural rights, as a stake against those of others, to be lost or won by the mere power of numbers. On the contrary, it is to be inferred that, in an exigency into which he had been forced by others, and in which no other means of self-defence offered, he, as a matter of necessity, used the only one that was left to him.*

*"Doubtless the most miserable of men, under the most oppressive government in the world, if allowed the ballot, would use it, if they could see any chance of thereby meliorating their condition. But it would not, therefore, be a legitimate inference that the government itself, that crushes them, was one which they had voluntarily set up, or even consented to.*

*"Therefore, a man's voting under the Constitution of the United States, is not to be taken as evidence that he ever freely assented to the Constitution, even for the time being. Consequently we have no proof that any very large portion, even of the actual voters of the United States, ever really and voluntarily consented to the Constitution, EVEN FOR THE TIME BEING. Nor can we ever have such proof, until every man is left perfectly free to consent, or not, without thereby subjecting himself or his property to be disturbed or injured by others."*

As we can have no legal knowledge as to who votes from choice, and who from the necessity thus forced upon him, we can have no legal knowledge, as to any particular individual, that he voted from choice; or, consequently, that by voting, he consented, or pledged himself, to support the government. Legally speaking, therefore, the act of voting utterly fails to pledge ANY ONE to support the government. It utterly fails to prove that the government rests upon the voluntary support of anybody. On general principles of law and reason, it cannot be said that the government has any voluntary supporters at all, until it can be distinctly shown who its voluntary supporters are.

4. As taxation is made compulsory on all, whether they vote or not, a large proportion of those who vote, no doubt do so to prevent their own money being used against themselves; when, in fact, they would have gladly abstained from voting, if they could thereby have saved themselves from taxation alone, to say nothing of being saved from all the other usurpations and tyrannies of the government. To take a man's property without his consent, and then to infer his consent because he attempts, by voting, to prevent that property from being used to his injury, is a very insufficient proof of his consent to support the Constitution. It is, in fact, no proof at all. And as we can have no legal knowledge as to who the particular individuals are, if there are any, who are willing to be taxed for the sake of voting, we can have no legal knowledge that any particular individual consents to be taxed for the sake of voting; or, consequently, consents to support the Constitution.

5. At nearly all elections, votes are given for various candidates for the same office. Those who vote for the unsuccessful candidates cannot properly be said to have voted to sustain the Constitution. They may, with more reason, be supposed to have voted, not to support the Constitution, but specially to prevent the tyranny which they anticipate the successful candidate intends to practice upon them under color of the Constitution; and therefore may reasonably be supposed to have voted against the Constitution itself. This supposition is the more reasonable, inasmuch as such voting is the only mode allowed to them of expressing their dissent to the Constitution.



6. Many votes are usually given for candidates who have no prospect of success. Those who give such votes may reasonably be supposed to have voted as they did, with a special intention, not to support, but to obstruct the execution of, the Constitution; and, therefore, against the Constitution itself.

7. As all the different votes are given secretly (by secret ballot), there is no legal means of knowing, from the votes themselves, who votes for, and who votes against, the Constitution. Therefore, voting affords no legal evidence that any particular individual supports the Constitution. And where there can be no legal evidence that any particular individual supports the Constitution, it cannot legally be said that anybody supports it. It is clearly impossible to have any legal proof of the intentions of large numbers of men, where there can be no legal proof of the intentions of any particular one of them.

8. There being no legal proof of any man's intentions, in voting, we can only conjecture them. As a conjecture, it is probable, that a very large proportion of those who vote, do so on this principle, viz., that if, by voting, they could but get the government into their own hands (or that of their friends), and use its powers against their opponents, they would then willingly support the Constitution; but if their opponents are to have the power, and use it against them, then they would NOT willingly support the Constitution.

In short, men's voluntary support of the Constitution is doubtless, in most cases, wholly contingent upon the question whether, by means of the Constitution, they can make themselves masters, or are to be made slaves.

Such contingent consent as that is, in law and reason, no consent at all.

9. As everybody who supports the Constitution by voting (if there are any such) does so secretly (by secret ballot), and in a way to avoid all personal responsibility for the acts of his agents or representatives, it cannot legally or reasonably be said that anybody at all supports the Constitution by voting. No man can reasonably or legally be said to do such a thing as assent to, or support, the Constitution, unless he does it openly, and in a way to make himself personally responsible for the acts of his agents, so long as they act within the limits of the power he delegates to them.

10. As all voting is secret (by secret ballot), and as all secret governments are necessarily only secret bands of robbers, tyrants, and murderers, the general fact that our government is practically carried on by means of such voting, only proves that there is among us a secret band of robbers, tyrants, and murderers, whose purpose is to rob, enslave, and, so far as necessary to accomplish their purposes, murder, the rest of the people. The simple fact of the existence of such a band does nothing towards proving that "the people of the United States," or any one of them, voluntarily supports the Constitution.

For all the reasons that have now been given, voting furnishes no legal evidence as to who the particular individuals are (if there are any), who voluntarily support the Constitution. It therefore furnishes no legal evidence that anybody supports it voluntarily.

So far, therefore, as voting is concerned, the Constitution, legally speaking, has no supporters at all.

And, as a matter of fact, there is not the slightest probability that the Constitution has a single bona fide supporter in the country. That is to say, there is not the slightest probability that there is a single man in the country, who both understands what the Constitution really is, and sincerely supports it for what it really is.

The ostensible supporters of the Constitution, like the ostensible supporters of most other governments, are made up of three classes, viz.: 1. Knaves, a numerous and active class, who see in the government an instrument which they can use for their own aggrandizement or wealth. 2. Dupes -- a large class, no doubt -- each of whom, because he is allowed one voice out of millions in deciding what he may do with his own person and his own property, and because he is permitted to have the same voice in robbing, enslaving, and murdering others, that others have in robbing, enslaving, and murdering himself, is stupid enough to imagine that he is a "free man," a "sovereign"; that this is "a free government"; "a government of equal rights," "the best government on earth,"<sup>66</sup> and such like absurdities. 3. A class who have some appreciation of the evils of government, but either do not see how to get rid of them, or do not choose to so far sacrifice their private interests as to give themselves seriously and earnestly to the work of making a change.

Lastly, the Fifteenth and the Nineteenth Amendments to the U.S. Constitution collectively make it a *right* for "citizens of the United States" to vote which cannot be abridged on the basis of race, color, previous servitude, or sex. Since the "citizen"

<sup>66</sup> Suppose it be "the best government on earth," does that prove its own goodness, or only the badness of all other governments?

1 they are talking about is in the Constitution and the "United States" in the Constitution means the states of the Union, then  
2 that means they are referring to people born in states of the Union. Based on the definition of "national" in [8 U.S.C.  
3 §1101\(a\)\(21\)](#), calling yourself a "national" under federal law is the equivalent of calling yourself a "citizen of the United  
4 States" in the Constitution. However, whenever you fill out any government form, if you are "citizen of the United States"  
5 under the Constitution, you should be careful to clarify that it means "national but not citizen of the United States" under [8  
6 U.S.C. §1101\(a\)\(21\)](#) in order to prevent confusion so they don't misuse the form as evidence against you in court to suck you  
7 into their jurisdiction.

## 8 **8.2 Paying taxes**<sup>67</sup>

9 The payment of taxes, being compulsory, of course furnishes no evidence that any one voluntarily supports the Constitution.

10 1. It is true that the THEORY of our Constitution is, that all taxes are paid voluntarily; that our government is a mutual  
11 insurance company, voluntarily entered into by the people with each other; that that each man makes a free and purely  
12 voluntary contract with all others who are parties to the Constitution, to pay so much money for so much protection, the same  
13 as he does with any other insurance company; and that he is just as free not to be protected, and not to pay tax, as he is to pay  
14 a tax, and be protected.

15 But this theory of our government is wholly different from the practical fact. The fact is that the government, like a  
16 highwayman, says to a man: "Your money, or your life." And many, if not most, taxes are paid under the compulsion of that  
17 threat.

18 The government does not, indeed, waylay a man in a lonely place, spring upon him from the roadside, and, holding a pistol  
19 to his head, proceed to rifle his pockets. But the robbery is none the less a robbery on that account; and it is far more dastardly  
20 and shameful.

21 The highwayman takes solely upon himself the responsibility, danger, and crime of his own act. He does not pretend that he  
22 has any rightful claim to your money, or that he intends to use it for your own benefit. He does not pretend to be anything but  
23 a robber. He has not acquired impudence enough to profess to be merely a "protector," and that he takes men's money against  
24 their will, merely to enable him to "protect" those infatuated travelers, who feel perfectly able to protect themselves, or do  
25 not appreciate his peculiar system of protection. He is too sensible a man to make such professions as these. Furthermore,  
26 having taken your money, he leaves you, as you wish him to do. He does not persist in following you on the road, against  
27 your will; assuming to be your rightful "sovereign," on account of the "protection" he affords you. He does not keep  
28 "protecting" you, by commanding you to bow down and serve him; by requiring you to do this, and forbidding you to do that;  
29 by robbing you of more money as often as he finds it for his interest or pleasure to do so; and by branding you as a rebel, a  
30 traitor, and an enemy to your country, and shooting you down without mercy, if you dispute his authority, or resist his  
31 demands. He is too much of a gentleman to be guilty of such impostures, and insults, and villainies as these. In short, he does  
32 not, in addition to robbing you, attempt to make you either his dupe or his slave.

33 The proceedings of those robbers and murderers, who call themselves "the government," are directly the opposite of these of  
34 the single highwayman.

35 In the first place, they do not, like him, make themselves individually known; or, consequently, take upon themselves  
36 personally the responsibility of their acts. On the contrary, they secretly (by secret ballot) designate some one of their number  
37 to commit the robbery in their behalf, while they keep themselves practically concealed. They say to the person thus  
38 designated:

39 Go to A \_\_\_\_\_ B \_\_\_\_\_, and say to him that "the government" has need of money to meet the expenses of protecting him and  
40 his property. If he presumes to say that he has never contracted with us to protect him, and that he wants none of our protection,  
41 say to him that that is our business, and not his; that we CHOOSE to protect him, whether he desires us to do so or not; and  
42 that we demand pay, too, for protecting him. If he dares to inquire who the individuals are, who have thus taken upon  
43 themselves the title of "the government," and who assume to protect him, and demand payment of him, without his having  
44 ever made any contract with them, say to him that that, too, is our business, and not his; that we do not CHOOSE to make  
45 ourselves INDIVIDUALLY known to him; that we have secretly (by secret ballot) appointed you our agent to give him notice  
46 of our demands, and, if he complies with them, to give him, in our name, a receipt that will protect him against any similar

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<sup>67</sup> From an essay entitled *No Treason: The Constitution of No Authority*, by Lysander Spooner, part III.

1 demand for the present year. If he refuses to comply, seize and sell enough of his property to pay not only our demands, but  
2 all your own expenses and trouble beside. If he resists the seizure of his property, call upon the bystanders to help you  
3 (doubtless some of them will prove to be members of our band.) If, in defending his property, he should kill any of our band  
4 who are assisting you, capture him at all hazards; charge him (in one of our courts) with murder; convict him, and hang him.  
5 If he should call upon his neighbors, or any others who, like him, may be disposed to resist our demands, and they should  
6 come in large numbers to his assistance, cry out that they are all rebels and traitors; that "our country" is in danger; call upon  
7 the commander of our hired murderers; tell him to quell the rebellion and "save the country," cost what it may. Tell him to  
8 kill all who resist, though they should be hundreds of thousands; and thus strike terror into all others similarly disposed. See  
9 that the work of murder is thoroughly done; that we may have no further trouble of this kind hereafter. When these traitors  
10 shall have thus been taught our strength and our determination, they will be good loyal citizens for many years, and pay their  
11 taxes without a why or a wherefore.

12 It is under such compulsion as this that taxes, so called, are paid. And how much proof the payment of taxes affords, that the  
13 people consent to "support the government," it needs no further argument to show.

14 2. Still another reason why the payment of taxes implies no consent, or pledge, to support the government, is that the taxpayer  
15 does not know, and has no means of knowing, who the particular individuals are who compose "the government." To him  
16 "the government" is a myth, an abstraction, an incorporeality, with which he can make no contract, and to which he can give  
17 no consent, and make no pledge. He knows it only through its pretended agents. "The government" itself he never sees. He  
18 knows indeed, by common report, that certain persons, of a certain age, are permitted to vote; and thus to make themselves  
19 parts of, or (if they choose) opponents of, the government, for the time being. But who of them do thus vote, and especially  
20 how each one votes (whether so as to aid or oppose the government), he does not know; the voting being all done secretly  
21 (by secret ballot). Who, therefore, practically compose "the government," for the time being, he has no means of knowing.  
22 Of course he can make no contract with them, give them no consent, and make them no pledge. Of necessity, therefore, his  
23 paying taxes to them implies, on his part, no contract, consent, or pledge to support them -- that is, to support "the  
24 government," or the Constitution.

25 3. Not knowing who the particular individuals are, who call themselves "the government," the taxpayer does not know whom  
26 he pays his taxes to. All he knows is that a man comes to him, representing himself to be the agent of "the government" --  
27 that is, the agent of a secret band of robbers and murderers, who have taken to themselves the title of "the government," and  
28 have determined to kill everybody who refuses to give them whatever money they demand. To save his life, he gives up his  
29 money to this agent. But as this agent does not make his principals individually known to the taxpayer, the latter, after he has  
30 given up his money, knows no more who are "the government" -- that is, who were the robbers -- than he did before. To say,  
31 therefore, that by giving up his money to their agent, he entered into a voluntary contract with them, that he pledges himself  
32 to obey them, to support them, and to give them whatever money they should demand of him in the future, is simply ridiculous.

33 4. All political power, so called, rests practically upon this matter of money. Any number of scoundrels, having money enough  
34 to start with, can establish themselves as a "government"; because, with money, they can hire soldiers, and with soldiers  
35 extort more money; and also compel general obedience to their will. It is with government, as Caesar said it was in war, that  
36 money and soldiers mutually supported each other; that with money he could hire soldiers, and with soldiers extort money.  
37 So these villains, who call themselves governments, well understand that their power rests primarily upon money. With  
38 money they can hire soldiers, and with soldiers extort money. And, when their authority is denied, the first use they always  
39 make of money, is to hire soldiers to kill or subdue all who refuse them more money.

40 For this reason, whoever desires liberty, should understand these vital facts, viz.: 1. That every man who puts money into the  
41 hands of a "government" (so called), puts into its hands a sword which will be used against him, to extort more money from  
42 him, and also to keep him in subjection to its arbitrary will. 2. That those who will take his money, without his consent, in  
43 the first place, will use it for his further robbery and enslavement, if he presumes to resist their demands in the future. 3. That  
44 it is a perfect absurdity to suppose that anybody of men would ever take a man's money without his consent, for any such  
45 object as they profess to take it for, viz., that of protecting him; for why should they wish to protect him, if he does not wish  
46 them to do so? To suppose that they would do so, is just as absurd as it would be to suppose that they would take his money  
47 without his consent, for the purpose of buying food or clothing for him, when he did not want it. 4. If a man wants "protection,"  
48 he is competent to make his own bargains for it; and nobody has any occasion to rob him, in order to "protect" him against  
49 his will. 5. That the only security men can have for their political liberty, consists in their keeping their money in their own  
50 pockets, until they have assurances, perfectly satisfactory to themselves, that it will be used as they wish it to be used, for  
51 their benefit, and not for their injury. 6. That no government, so called, can reasonably be trusted for a moment, or reasonably  
52 be supposed to have honest purposes in view, any longer than it depends wholly upon voluntary support.

These facts are all so vital and so self-evident, that it cannot reasonably be supposed that any one will voluntarily pay money to a "government," for the purpose of securing its protection, unless he first make an explicit and purely voluntary contract with it for that purpose.

It is perfectly evident, therefore, that neither such voting, nor such payment of taxes, as actually takes place, proves anybody's consent, or obligation, to support the Constitution. Consequently we have no evidence at all that the Constitution is binding upon anybody, or that anybody is under any contract or obligation whatever to support it. And nobody is under any obligation to support it.

### 8.3 Jury Service

Jury service is similar to voting and is based on voting, so all the arguments used earlier by Spooner about voting apply equally to jury service. People involve themselves in jury service for the very same reasons as voting, which is to defend their liberties against encroachment by:

- The "band of tyrants, robbers, and murderers" in "the government"
- Fellow citizens who would want to violate the liberties and rights of others by using the government as their agent. For instance, they might abuse their elective franchise or voting power to influence or authorize the state or government to plunder the property of others in order to guarantee their economic security and income.

Even before government existed, all men had a natural and God-given right to defend their person, their family, their liberty, and their property against encroachment by others, and they did so through force and using violence if necessary. Book I of The Law of Nations by Vattel, which our founding fathers used to write our Constitution and which appears on our website at:

The Law of Nations, Vattel  
[http://famguardian.org/Publications/LawOfNations/vattel\\_01.htm](http://famguardian.org/Publications/LawOfNations/vattel_01.htm).

also confirms the existence of this God-given right of self-defense:

§ 18. A nation has a right to every thing necessary for its preservation.

*Since then a nation is obliged to preserve itself, it has a right to every thing necessary for its preservation. For the Law of Nature gives us a right to every thing without which we cannot fulfil our obligation; otherwise it would oblige us to do impossibilities, or rather would contradict itself in prescribing us a duty, and at the same time debarring us of the only means of fulfilling it. It will doubtless be here understood, that those means ought not to be unjust in themselves, or such as are absolutely forbidden by the Law of Nature.*

*As it is impossible that it should ever permit the use of such means, — if on a particular occasion no other present themselves for fulfilling a general obligation, the obligation must, in that particular instance, be looked on as impossible, and consequently void.*

Even the Supreme Court agrees with the existence of the natural rights of self-protection:

*"The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. **His rights are such as existed by the law of the land long antecedent to the organization of the state**, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."*  
[Hale v. Henkel, 201 U.S. 43 (1906)]

Within the early family unit, this role of defending one's rights usually fell on the man. As mankind civilized, the function of defending personal liberty and property were delegated to the government, but the sovereignty remained with the people. At first, the role of the government in defending its citizens was defined verbally, but mankind soon discovered that human nature being dishonest and covetous and untrustworthy, the people working for government became corrupted and abused their power for personal benefit. Consequently, the people then chose to correct this problem by defining the role of the government formally in writing using written constitutions, from which the government was authorized by the constitution

to write statutes and regulations to carry out the sovereign powers delegated to them by the people. The constitution was like a written contract that could then be enforced in court against government agents who were charged with carrying it out. But once again, human depravity entered into the picture and the greedy lawyers and politicians writing the statutes and regulations devised a way to obfuscate and distort the law for their personal gain, and illegally expand their delegated authority by dolus. Hence, the jury was invented as a check and balance so that bad laws could be nullified by the sovereign people and so that this conflict of interest by the government could then be eliminated. The people then separated the Judiciary from the Executive branch of the government in order that this conflict of interest might be minimized and to make the judges controlling the trials more objective and less biased, but even that solution had defects. The judges became corrupted because they got their pay and benefits from the tax monies that were illegally collected by the Executive branch, and the Executive branch used their tax collecting power to threaten, harass, and intimidate the judges into illegally enforcing the Internal Revenue Code. This made juries all the more important because they were there not only to nullify bad laws, but to counteract subtle and often hidden biases on the part of the judge. . Thomas Jefferson hinted at these biases when he said:

*"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty."*  
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

The purpose of juries is therefore to protect us from corrupted and covetous government politicians and judges and to nullify bad laws that conflict with God's laws. But the definition of "voluntary" at the beginning of this subsection said that "voluntary" meant:

*"voluntary. Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself. Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. Proceeding from the free and unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration; as, a voluntary deed."*  
[Black's Law Dictionary, Sixth Edition, p. 1575]

Certainly, jury service cannot be said to be "unimpelled by another's influence" because the very reason we do it is because of the fear of specific bad people in government and the bad laws they write. Nothing that is done out of fear of a person or a bad law can be said to be "voluntary". Here is a confirmation of that conclusion found in the definition of "consent" in Black's Law Dictionary:

*"Consent. A concurrence of wills. Voluntarily yielding the will to the proposition of another; acquiescence or compliance therewith. Agreement; approval; permission; the act or result of coming into harmony or accord. Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil on each side. It means voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act, a moral power of acting, and a serious, determined, and free use of these powers. Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake.*

*"Willingness in fact that an act or an invasion of an interest shall take place. Restatement, Second, Torts §10A.*

**As used in the law of rape 'consent' means consent of the will, and submission under the influence of fear or terror cannot amount to real consent.** *There must be an exercise of intelligence based on knowledge of its significance and moral quality and there must be a choice between resistance and assent. And if a woman resists to the point where further resistance would be useless or until her resistance is overcome by force or violence, submission thereafter is not 'consent'."*  
[Black's Law Dictionary, Sixth Edition, p. 305, emphasis added]

Self-defense cannot be voluntary unless we consented or volunteered to put ourselves into harm's way to begin with, which no sane man would consider in the first place. Like voting, if we don't serve on jury duty, then corrupted people in government will eventually write the laws in such a way as to make us into complete and total slaves. Here is how Thomas Jefferson describes this situation in the Declaration of Independence and what we should do about it:

*"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security."*



Jury service, like voting and the exercise of all other political rights, is defensive and done as a safeguard for our future security. The exercise of rights cannot be turned into taxable government privileges. Anything that is defensive is done for selfish and not altruistic or voluntary reasons. One could then say that by exercising our right to serve on jury duty (and voting in the process), we are in receipt of “consideration”, which is a fancy legal word for a “benefit”. That benefit is the absence of threats or coercion or corruption in our government. By exercising our right (not our privilege, but our right) to act as jurors, we are ensuring a peaceful, orderly society free of corruption and evil, which is probably the most important aspect of quality of life that we can personally experience in our lifetime. Consequently, the reason we serve on jury duty is to remain free of government compulsion and to protect our liberties, and for no other reason, and we do so for selfish reasons and not the magnanimous good of mankind. You could then say we are “compelled to avoid future compulsion and government corruption”.

It would be the grossest distortion for any government servant or judge to then commit fraud by saying that jury service is “voluntary”, and if it isn’t “voluntary” and “consensual”, then it can’t be a “privilege”. Here is what Black’s Law Dictionary, Sixth Edition, p. 1198 says about “privilege” on p. 1197-1198:

*“privilege. A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others.*

[...]

*“A privilege may be based upon: (a) the consent of the other affected by the actor’s conduct, or (b) the fact that its exercise is necessary for the protection of some interest of the actor or of the public which is of such importance as to justify the harm caused or threatened by its exercise, or (c) the fact that the actor is performing a function for the proper performance of which freedom of action is essential. Restatement, Second, Torts, §10.*

Privileges may be divided into two general categories: (1) consent, and (2) privileges created by law irrespective of consent. In general, the latter arise where there is some important and overriding social value in sanctioning defendant’s conduct, despite the fact that it causes plaintiff harm.”  
[Black’s Law Dictionary, Sixth Edition, p. 1198]

From the above, we must conclude that unless receipt of a “privilege” is consensual, then it cannot be a privilege. And something cannot be consensual unless it is “voluntary” and done “without valuable consideration” or personal benefit.

*“consent. A concurrence of wills. Voluntarily yielding the will to the proposition of another; acquiescence or compliance therewith. Agreement; approval; permission; the act or result of coming into harmony or accord. Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil on each side. It means voluntary agreement by a person in the possession and exercise of sufficient mental capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act, a moral power of acting, and a serious, determined, and free use of these powers. Consent is implied in every agreement. It is an act unclouded by fraud, duress, or sometimes even mistake.”*

So any way you want to look at it, jury service is a compelled necessity of the society we live in and it is involuntary and nonconsensual. It is a necessary evil at best because of the evil nature of mankind when serving in public office and in positions of power.

*“Society in every state is a blessing, but government [or its trappings such as voting and jury service], even in its best state is but a necessary evil; in its worst state, an intolerable one.”*  
[Thomas Paine (1737-1809)]

## 8.4 Citizenship

We have already established that the main and most important function of government is public protection, which is accomplished by preventing and punishing injustice. This fact was established in:

What is “law”?, Form #05.048  
<https://sedm.org/Forms/FormIndex.htm>

1 In the above they talked about the Purpose of Law. People in the government will tell you that the reason for becoming a  
2 citizen is to qualify for receipt of that public protection and to pay one's fair share of the costs of supporting it. However, we  
3 established earlier in section 12 on Federal Citizenship that you do not have to be a "citizen" to have civil rights. The purpose  
4 of law is to protect rights and liberties. Therefore, one need not become a citizen to benefit from the protection afforded by  
5 government or the laws that it enacts. Compliance with all law must therefore be voluntary because citizenship itself ideally  
6 should be but seldom is voluntary. Here is an example court cite illustrating our point:

7 *"When a change of government takes place, from a monarchial to a republican government, the old form is*  
8 *dissolved. Those who lived under it, and did not choose to become members of the new, had a right to refuse their*  
9 *allegiance to it, and to retire elsewhere. By being a part of the society subject to the old government, they had not*  
10 *entered into any engagement to become subject to any new form the majority might think proper to adopt. That*  
11 *the majority shall prevail is a rule posterior to the formation of government, and results from it. It is not a rule*  
12 *upon mankind in their natural state. There, every man is independent of all laws, except those prescribed by*  
13 *nature. He is not bound by any institutions formed by his fellowmen without his consent"*  
14 *[Cruden v. Neale, 2 N.C., 2 S.E. 70 (1796)]*

15 As we stated at the beginning of this chapter and in *Great IRS Hoax*, Form #11.302, Section 4.5.3, your civil liberties and  
16 PRIVATE unalienable rights derive not from your citizenship status or nationality, but from where you were born and where  
17 you physically live. Furthermore, most of us will pay our fair share of the costs of supporting government *without* being  
18 citizens\*\*+D. In fact, very few taxes one might pay are dependent on their status as citizens\*\*+D. Furthermore, there are  
19 very few things we can do, citizen or not, that don't compel us to pay some kind of tax.

20 Why, then, do people become citizens? It defies us. In the next section on "nationals", you will learn that state governments  
21 commonly will deprive "nationals" the right to vote and serve on jury duty unless and until they become "U.S. citizens\*\*+D",  
22 but we established in that section and earlier in section 7.8 that we want our PRIVATE UNALIENABLE rights protected by  
23 not being forced to convert them into CIVIL STATUTORY PUBLIC privileges called "civil rights. This is so because in  
24 our civil society, these mechanisms are the only means available for us to defend our rights, liberties, and property without  
25 resorting to violence and without being compelled to rely on a corrupt politician to do it for us. Being able to defend oneself  
26 from harm is a natural right that cannot be turned into a privilege that can then be taxed or regulated.

27 *"A right common in every citizen such as the right to own property or to engage in business of a character not*  
28 *requiring regulation CANNOT, however, be taxed as a special franchise by first prohibiting its exercise and*  
29 *then permitting its enjoyment upon the payment of a certain sum of money." [Stevens v. State, 2 Ark. 291, 35 Am.*  
30 *Dec. 72, Spring Val. Water Works v. Barber, 99 Cal. 36, 33 Pac. 735, 21 L.R.A. 416. Note 57 L.R.A. 416]*

31 *"The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is*  
32 *an artificial entity which owes its existence and charter power to the State, but the individual's right to live and*  
33 *own property are natural rights for the enjoyment of which an excise cannot be imposed."*  
34 *[Redfield v. Fisher, 292 Oregon 814, 817]*

35 The reason the individual can't be taxed for the privilege of existing is because all privileges must be voluntarily accepted,  
36 and we never made the choice to exist. Our life is a gift from God, not a choice or a government "privilege". Why, then, do  
37 governments make voting and serving on jury duty (which incidentally are defensive rather than voluntary actions) into a  
38 "privilege" by forcing you to become a "U.S.\*\* citizen\*\*+D" subject to their corrupt CIVIL STATUTORY jurisdiction?  
39 The reason, quite frankly, is because they want to pull you into the "federal zone" or inside the government as a public officer  
40 so they can tax you and subject you to their jurisdiction! They want you to become, in effect, government CATTLE. They  
41 do this because they want to pick your pocket and make you into a feudal government serf, and for no other reason.  
42 DOMICILE and the Citizen\*\*+D are simply a legal tool that they use to expand their authority and political power and  
43 jurisdiction over you. The government then adds insult to this injury by saying that receipt of "U.S. citizenship" is a  
44 "privilege" and is done "voluntarily". Look again at Section 1 of the Fourteenth Amendment:

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

50 We ask you now:

1                   *"How can the exercise of a natural right as basic as self defense and the pursuit of self protection be turned into*  
2 *a privilege? How can the government force you to surrender your rights by becoming a second class 'U.S. citizen'*  
3 *in order to acquire the ability to defend those rights as a jurist or a voter?"*

4       The answer is, they can't, but they do it anyway, because the "sheeple", I mean people, don't complain. Are you a sheep?  
5       Furthermore, can the acquisition of citizenship under such circumstances rightfully be called "voluntary" or "consensual"?  
6       Let's look at the definition again:

7                   *"**voluntary.** Unconstrained by interference; unimpelled by another's influence; spontaneous; acting of oneself.*  
8 *Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. Proceeding from the free and*  
9 *unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without*  
10 *compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without*  
11 *valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration;*  
12 *as, a voluntary deed."*  
13 *[Black's Law Dictionary, Sixth Edition, p. 1575]*

14       And here is the definition of "consent" from Black's Law Dictionary, Sixth Edition:

15                   *"**consent.** A concurrence of wills. Voluntarily yielding the will to the proposition of another; acquiescence or*  
16 *compliance therewith. Agreement; approval; permission; the act or result of coming into harmony or accord.*  
17 *Consent is an act of reason, accompanied with deliberation, the mind weighing as in a balance the good or evil*  
18 *on each side. It means voluntary agreement by a person in the possession and exercise of sufficient mental*  
19 *capacity to make an intelligent choice to do something proposed by another. It supposes a physical power to act,*  
20 *a moral power of acting, and a serious, determined, and free use of these powers. Consent is implied in every*  
21 *agreement. It is an act unclouded by fraud, duress, or sometimes even mistake."*  
22 *[Black's Law Dictionary, Sixth Edition, p. 305]*

23       If the government has applied duress in forcing you to become a domiciled "Citizen\*\*+D" or a "U.S.\*\*\*\* citizen\*" under  
24       26 C.F.R. §1.1-1(a) and (b) in order so you could have the opportunity to protect your God-given rights, which by the way is  
25       itself an involuntary function, and at the same time, has committed fraud by fooling or deceiving you into claiming an  
26       incorrect and mistaken status as a "U.S.\*\* citizen\*", then clearly, based on the definition of "consensual" above, one cannot  
27       claim to have become a citizen by the requisite consent from a legal perspective.

28       The answer, then, to our previous question of whether the government can force you to become a Citizen\*\*+D or a "U.S.\*\*\*\*  
29       citizen\*\*+D" is a resounding NO, because the government interfered and constrained and threatened the exercise of your  
30       natural, God-given rights if you didn't provide your fully-informed consent to become a citizen. You were "under the  
31       influence" of government coercion and therefore were acting "involuntarily". You became a citizen for selfish reasons and  
32       the "consideration" you received in exchange for your consent was government protection of your God-given rights that they  
33       couldn't lawfully deny you to begin with. Ironically, the government coerced you into paying for something you didn't need  
34       and that which you already had as a gift from God and nature rather than from your magistrate or Congressman. Once again,  
35       here is how Thomas Jefferson, author of our Declaration of Independence, describes it:

36                   *"A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate."*  
37 *[Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134 ]*

38       In effect, by exchanging your God-give "rights" for taxable government "privileges", you sold your soul to Satan and a  
39       corrupted government because you didn't trust God to protect you and wanted to put an end to government harassment and  
40       discrimination directed at you for not "volunteering" to become a "U.S. citizen".

41                   *"But he who doubts [God's protection?] is condemned if he eats, because he does not eat from faith; for whatever*  
42 *is not from faith [trust in God rather than government] is sin."*  
43 *[Rom. 14:23, Bible, NKJV]*

44       At the point when you became a domiciled Citizen\*\*+D or "U.S.\*\* citizen\*" under federal law found in 26 C.F.R. §1.1-1(a)  
45       and (b), you sinned and fell from grace like Satan did and went to the bottom of the hierarchy of sovereignty that explained  
46       at the beginning of Great IRS Hoax, Form #11.302, Chapter 4 in section 4.1. You sinned by volunteering to serve more than  
47       one master (the federal and the state governments and God) in violation of Jesus' words in Luke 16:13. You became unequally  
48       yoked with Babylon, the Great Harlot, described in the book of Revelation. You sold out your soul and the Truth to Satan  
49       for 20 pieces of silver, like Judas did to Jesus. You also lied to the government about your true and legal citizenship status  
50       as a "national" because you ignorantly coveted government privileges and benefits and "protection" in violation of Exodus  
51       20:16. The price for these sins, it turns out, is perpetual slavery to a corrupt government "god", who you must then worship  
52       and pay homage and tribute to for the rest of your natural life, not out of choice or consent, but out of fear. Becoming a "U.S.

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citizen” demoted you from being a sovereign to a government whore and you had better bend over whenever the IRS comes knocking! Once you admitted you were a “U.S. citizen” and a government harlot, the burden of proving that you aren’t a prostitute fell on you, and any good lawyer knows that proving a negative is an impossibility, so you have to wear the “taxpayer” sign on you back for as long as you are a “U.S. citizen”. As long as you are wearing that sign, you may as well be standing on a street corner half-naked begging every government “John” who drives by to pick you up for free and enjoy your company all night, and it’s perfectly legal, because the “Johns” write the laws!

*"For our citizenship is in heaven [not earth or "U.S. citizenship"], from which we also eagerly wait for the Savior, the Lord Jesus Christ"  
[Philippians 3:20]*

*"Protection draws subjection."  
[Steven Miller]*

*"Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage [to the government or the income tax]."  
[Galatians 5:1, Bible, NKJV]*

*"Now, therefore, you are no longer strangers and foreigners, but fellow citizens with the saints and members of the household of God."  
[Ephesians 2:19, Bible, NKJV]*

*"These all died in faith, not having received the promises, but having seen them afar off were assured of them, embraced them and confessed that they were strangers and pilgrims on the earth."  
[Hebrews 11:13]*

*"Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul..."  
[1 Peter 2:1]*

## **9. 8 U.S.C. §1101(a)(21) “NATIONALS” v. 8 U.S.C. §1408 “U.S.\*\* Nationals”**

An important and often overlooked condition of “nationals” of the US\*\*\* is that today all “state nationals” are “USA nationals”, but “USA nationals” who do not reside/domicile in a state of the Union are not “state nationals”.

A STATUTORY “U.S.\*\* national” is a person born in the outlying possessions of the United States\*\*. These types of people are referred to with any of the following synonymous names:

1. “nationals but not citizens of the United States\*\* at birth” under [8 U.S.C. §1408](#), and 8 U.S.C. §1452.
2. “a person who, though not a citizen of the United States\*, owes permanent allegiance to the United States\*\*\*” under 8 U.S.C. §1101(a)(22)(B).
3. “nationals, but not citizens, of the United States\*\*\*” under 8 U.S.C. §1452.
4. “Nonresident aliens INDIVIDUALS” (under the Internal Revenue Code, as defined in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#)), if lawfully engaged in a public office in the national government.
5. “Non-resident non-persons” if not lawfully engaged in a public office. See:

<u>Non-Resident Non-Person Position</u> , Form #05.020 <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a>
---

Statutory “U.S.\*\* nationals” are defined under 8 U.S.C. §1408 and 8 U.S.C. §1452. “nationals” are defined under 8 U.S.C. §1101(a)(21). Both statutory “nationals” and statutory “U.S.\*\* nationals” existed under The Law of Nations, Vattel and international law since long before the passage of the 14<sup>th</sup> Amendment to the U.S. Constitution in 1868. There are two classes of “nationals” or “U.S.\*\* nationals” under either the Constitution or federal statutory law, as we revealed in section 19.1:

1 Table 9: Classes of “nationals” under federal law

#	Legal name	Where born	Defined in	Common name	Description
1	“nationals but not citizens of the United States <u>at birth</u> ”	1. American Samoa 2. Swains Island	<a href="#">8 U.S.C. §1408</a> ; <a href="#">8 U.S.C. §1101(a)(22)(B)</a> ; <a href="#">8 U.S.C. §1452</a>	“U.S.** national” “Statutory U.S.* national”	The U.S. Supreme Court and the Constitution call these people “citizens of the United States”. See section 19.7 later for details. Used on the 1040NR form to describe people who file that form. Does not describe people who are not born in the federal United States.
2	“U.S.A.*** national” or “state national” or “Constitutional but not CIVIL U.S.*** citizen”	states of the Union	<a href="#">8 U.S.C. §1101(a)(21)</a> ; Fourteenth Amendment, Section 1	“state national” or “USA national” or “national of the United States OF AMERICA”	The “national” or “state national” is not necessarily the same as the “U.S.** national” above, because it includes people who were born in states of the Union. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship by birth in the federal zone. Therefore, it also includes people born in states of the Union.

2 A “state national” or simply “national” is one who derives his nationality and allegiance to the confederation of states of the  
3 Union called the “United States\*\*\* of America” by virtue of being born in a state of the Union. That citizenship derives  
4 from *jus soli* and the Fourteenth Amendment. To avoid false presumption, state nationals should carefully avoid associating  
5 their citizenship status with the term “United States” or “U.S.”, which means the federal zone within Acts of Congress.  
6 Therefore, instead of calling themselves “U.S. nationals”, they call themselves either “state nationals” or “USA nationals”.

7 In terms of protection of our rights, being a “state national” or a “U.S. national” are roughly equivalent. The “U.S. national”  
8 status, however, has several advantages that the “state national” status does not enjoy, as we explained earlier in section  
9 4.12.5 of the [Great IRS Hoax](#) book:

- 10 1. May NOT collect any Social Security benefits, because the Social Security Program Operations Manual System  
11 (P.O.M.S.), Section [GN 00303.001](#) states that only “U.S.\*\* citizens” and “U.S.\*\* nationals” can collect benefits. State  
12 nationals are NOT “U.S.\*\* nationals”.
- 13 2. May hold a U.S. security clearance, unlike “non-citizen nationals of the United States\*\*\*”. See SECNAVINST 5510.30A,  
14 Appendix I, Department of the Navy.
- 15 3. May work for the federal government as a civil servant. See [5 C.F.R. §338.101](#).

16 The key difference between a “state national” and a “U.S.\*\* national” is the citizenship status of your parents. Below is a  
17 table that summarizes the distinctions using all possible permutations of “state national” and “U.S. national” status for both  
18 you and your parents:

19



**Table 10: Becoming a “national of the United States\*\*” under 8 U.S.C. §1101(a)(22) by birth**

#	Reference	Parent’s citizenship status	Your birthplace	Your status
1	<a href="#">8 U.S.C. §1452</a> ; <a href="#">8 U.S.C. §1101(a)(22)(B)</a>	Either parent born in a federal possession	Federal possession	“U.S.** national”
2	<a href="#">8 U.S.C. §1408(1)</a>	Irrelevant	In an outlying possession on or after the date of formal acquisition of such possession	“U.S.** national”
3	<a href="#">8 U.S.C. §1408(2)</a>	“U.S. nationals” but not “U.S. citizens” who have resided anywhere in the federal United States prior to your birth	Outside the federal “United States”	“U.S.** national”
4	<a href="#">8 U.S.C. §1408(3)</a>	A person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession	NA	“U.S.** national”
5	<a href="#">8 U.S.C. §1408(4)</a>	One parent is a “U.S. national” but not “U.S. citizen” and the other is an “alien”. The “U.S. national” parent has resided somewhere in the federal United States prior to your birth	Outside the federal “United States”	“U.S.** national”
6	<a href="#">The Law of Nations</a> , Vattel, Book I, §212; Fourteenth Amendment; Perkins v. Elg, <a href="#">307 U.S. 325</a> ; 59 S.Ct. 884; 83 L.Ed. 1320 (1939)	Both parents are “state nationals” and not STATUTORY “U.S. citizens” or STATUTORY “U.S. nationals”. Neither were either born in the federal zone nor did they reside there during their lifetime.	Inside a state of the union and not on federal property	“state national”
7	<a href="#">The Law of Nations</a> , Vattel, Book I, §215	Both parents are STATUTORY “U.S. nationals””. Neither were either born in the federal zone nor did they reside there during their lifetimes.	Outside the “United States” the country	“U.S.** national”
8	<a href="#">The Law of Nations</a> , Vattel, Book I, §215	Both parents are “state nationals”. Neither were either born in the federal zone nor did they reside there during their lifetimes.	Outside the “United States” the country	STATUTORY “U.S. citizen” per 8 U.S.C. §1401. <sup>68</sup>
9	<a href="#">The Law of Nations</a> , Vattel, Book I, §62 <a href="#">8 U.S.C. §1481</a>	You started out as a STATUTORY “U.S. citizen” under 8 U.S.C. §1401 and decided to abandon the “citizen” part and retain the “national part”, properly noticed the Secretary of State of your intentions, and obtained a revised passport reflecting your new status.	NA	“U.S.** national”

Very significant is the fact that [8 U.S.C. §1408](#), confines itself exclusively to citizenship *by birth* inside the federal zone and does *not* define *all* possible scenarios whereby a person may be a “U.S.\*\* national”. For instance, it does *not* define the condition where both parents are “U.S.\*\* nationals”, the birth occurred *outside* of the *federal* United States, and neither parent ever physically maintained a domicile inside the *federal* United States. Under item 7 above, *The Law of Nations*, Vattel, Book I, Section 215, says this condition always results in the child having the same citizenship as his/her father. The *Law of Nations* was one of the organic documents that the founding fathers used to write our original Constitution and Article 1, Section 8, Clause 10 of that Constitution MANDATES that it be obeyed.

“Article 1, Section 8, Clause 10

“The Congress shall have Power...

“To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;”

As you read this section below from *The Law of Nations* that proves item 7 in the above table, keep in mind that states of the Union are considered “foreign countries” with respect to the federal government legislative jurisdiction and police powers (see <http://famguardian.org/Publications/LawOfNations/vattel.htm>).

**§ 215. Children of citizens born in a foreign country.**

<sup>68</sup> U.S. Supreme Court declared that an 8 U.S.C. §1401 “national and citizen of the United States at birth” is NOT a Fourteenth Amendment citizen. See Rogers v. Bellei, 401 U.S. 815 (1971) and section 5.1 earlier.

1 It is asked whether the children born of citizens in a foreign country are citizens? The laws have decided this  
2 question in several countries, and their regulations must be followed.(59) **By the law of nature alone, children**  
3 **follow the condition of their fathers, and enter into all their rights (§ 212); the place of birth produces no**  
4 **change in this particular, and cannot, of itself, furnish any reason for taking from a child what nature has**  
5 **given him; I say "of itself," for, civil or political laws may, for particular reasons, ordain otherwise. But I suppose**  
6 **that the father has not entirely quitted his country in order to settle elsewhere. If he has fixed his abode in a**  
7 **foreign country, he is become a member of another society, at least as a perpetual inhabitant; and his children**  
8 **will be members of it also.**  
9 [The Law of Nations, Vattel, Book I, Section 215]

10 Here's a U.S. Supreme Court ruling confirming these conclusions:

11 "Under statute, child born outside United States is not entitled to citizenship unless father has resided in United  
12 States before its birth."  
13 [Weedin v. Chin Bow, 274 U.S. 657, 47 S.Ct. 772 (1927)]

14 There are very good legal reasons why 8 U.S.C. §1408 doesn't mention this case or condition. There is also a reason why  
15 there is no federal statute anywhere that directly prescribes the citizenship status of persons based on birth within states of  
16 the Union. The reasons are because lawyers in Congress:

- 17 1. Know that this is the criteria that most Americans born inside states of the Union will meet.
- 18 2. Know that these people are "sovereign". Even the U.S. Supreme Court said so:

19 "The words 'people of the United States' and 'citizens,' are synonymous terms, and mean the same thing. They  
20 **both describe the political body who, according to our republican institutions, form the sovereignty, and who**  
21 **hold the power and conduct [run] the government through their representatives [servants]. They are what we**  
22 **familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this**  
23 **sovereignty. ..."**  
24 [Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]

- 25 3. Know that a "sovereign" is not and cannot be the subject of any law, and therefore cannot be mentioned in the law.

26 "...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but  
27 they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as  
28 fellow citizens, and as joint tenants in the sovereignty."  
29 [Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 454, 1 L.Ed. 440, 455 @DALL 1793 pp. 471-472]

30 "Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while  
31 sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by  
32 whom and for whom all government exists and acts."  
33 [Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

34 "In common usage, the term 'person' does not include the sovereign, and statutes employing the word are  
35 ordinarily construed to exclude it."  
36 [Wilson v. Omaha Indian Tribe, [442 U.S. 653](#), 667 (1979)]

37 "Since in common usage the term 'person' does not include the sovereign, statutes employing that term are  
38 ordinarily construed to exclude it."  
39 [U.S. v. Cooper, [312 U.S. 600](#), 604, 61 S.Ct. 742 (1941)]

40 "In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not  
41 be construed to do so."  
42 [U.S. v. United Mine Workers of America, [330 U.S. 258](#), 67 S.Ct. 677 (1947)]

- 43 4. Know that they cannot write a federal statute or act of Congress that prescribes any criteria for becoming a "national"  
44 based on birth and perpetual residence outside of federal legislative jurisdiction and within a state of the Union. That is  
45 why the circuit court said the following with respect to STATUTORY "U.S.\*\* nationals":

46 "Marquez-Almanzar seeks to avoid removal by arguing that he 3 can demonstrate that he owes "permanent  
47 allegiance" to the United States and thus qualify as a U.S. national under section 101(a)(22)(B) of the  
48 Immigration and Nationality Act ("INA"), 8 U.S.C. §1101(a)(22)(B). That provision defines "national of the  
49 United States" as "a person who, though not a citizen of the United States, owes permanent allegiance to the  
50 United States." **We hold that § 1101(a)(22)(B) itself does not provide a means by which an individual can**  
51 **become a U.S. national, and deny Marquez-Almanzar's petition accordingly."**

5. Want to deceive most Americans to falsely believe or presume that they are STATUTORY “U.S. citizens” domiciled on federal territory who are “subject to” federal statutes and jurisdiction, so they interfere in the determination of their true status as “nationals” and “state nationals”.

8 U.S.C. §1452 is the authority for getting your status of being a “non-citizen national of the United States\*\*” under 8 U.S.C. §1408 formally recognized by the national government as a person born in a U.S. possession or unincorporated territory.

How can you be sure you are a “national” or “state national” if the authority for being so isn’t found in federal statutes? There are lots of ways, but the easiest way is to consider that you as a person who was born in a state of the Union and outside the federal “United States” can legally “expatriate” your citizenship. All you need in order to do so is your original birth certificate and to follow the procedures prescribed in federal law. What exactly are you “expatriating”? The definition of expatriation clarifies this:

*“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.”*  
[Perkins v. Elg, [307 U.S. 325](#); 59 S.Ct. 884; 83 L.Ed. 1320 (1939)]

**“expatriation.** The voluntary act of abandoning or renouncing one’s country, [nation] and becoming the citizen or subject of another.  
[Black’s Law Dictionary, Sixth Edition, p. 576]

You can’t abandon your “nationality” unless you had it in the first place, so you must be a “national” or a “state national”! Here is the clincher:

[8 U.S.C. §1101 Definitions](#)

(a) As used in this chapter—

(21) The term “national” means a person owing permanent allegiance to a state.

The term “state” above can mean a state of the Union or it can mean a confederation of states called the “United States”. Sneaky, huh? You’ll never hear especially a federal lawyer agree with you on this because it destroys their jurisdiction to impose an income tax on you, but it’s true!

The rulings of the U.S. Supreme Court also reveal that “citizen[\*] of the United States[\*\*\*]” and “nationality” are equivalent in the context of the Constitution. Look at the ruling below and notice how they use “nationality” and “citizen\* of the United States\*” interchangeably:

*“Whether it was also the rule at common law that the children of British subjects born abroad were themselves British subjects—**nationality being attributed to parentage instead of locality**—has been variously determined. If this were so, of course the statute of Edw. III. was declaratory, as was the subsequent legislation. But if not, then such children were aliens, and the statute of 7 Anne and subsequent statutes must be regarded as in some sort acts of naturalization. On the other hand, it seems to me that the rule, ‘Partus sequitur patrem,’ has always applied to children of our citizens born abroad, and that the acts of congress on this subject are clearly declaratory, passed out of abundant caution, to obviate misunderstandings which might arise from the prevalence of the contrary rule elsewhere.*

**“Section 1993 of the Revised Statutes provides that children so born ‘are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.’ Thus a limitation is prescribed on the passage of citizenship by descent beyond the second generation if then surrendered by permanent nonresidence, and this limitation was contained in all the acts from 1790 down. Section 2172 provides that such children shall ‘be considered as citizens thereof.’ “**  
[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

If after examining the chart above, you find that your present citizenship status does not meet your needs, you are perfectly entitled to change it and the government can’t stop you. You can abandon any type of citizenship you may find undesirable in order to have the combination of rights and “privileges” that suit your fancy. If you are currently a “state-only” citizen but want to become a “national” or a “state national” so that you can qualify for Socialist Security Benefits or a military security clearance, then in most cases, the federal government is more than willing to cooperate with you in becoming one under 8 U.S.C. §1101.

In the following subsections we have an outline of the legal constraints applying to persons who are “nationals” or “state nationals” and who do not claim the status of “U.S. citizens” under federal statutes. The analysis that follows establishes that for “state nationals”, such persons may in some cases not be allowed to vote in elections without special efforts on their part to maintain their status. They are also not allowed to serve on jury duty without special efforts on their part to maintain their status. These special efforts involve clarifying our citizenship on any government forms we sign to describe ourselves as:

1. “nationals” or “state nationals” but not statutory “citizens of the United States” as defined in and [8 U.S.C. §1101\(a\)\(21\)](#).
2. **Nationals** of the “United States *of America*” (just like our passport says) but not citizens of the *federal* “United States”

## 9.1 Legal Foundations of 8 U.S.C. §1101(a)(21) “national” Status

We said in the previous section that all people born in states of the Union are technically “nationals” or “state nationals” or “U.S.\*\*\* nationals”, that is: “nationals of the United States *of America*”. One of the two types of “nationals” is defined in [8 U.S.C. §1408](#) and described in 8 U.S.C. §1101(a)(22)(B) depends a different definition of “U.S.” that means the federal zone instead of the “United States\*\*\* of America”. We don’t cite all of the components of the definition for this type of “national” below, but only that part that describes Americans born inside the 50 Union states on nonfederal land to parents who resided inside the federal zone prior to the birth of the child:

8 U.S.C. §1408. - Nationals but not citizens of the United States at birth

*Unless otherwise provided in section 1401 of this title, the following shall be nationals, but not citizens, of the United States at birth:*

[...]

*(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;*

The key word above is the term “United States”. This term is defined in 8 U.S.C. §1101(a)(38) as follows:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
[Sec. 1101. - Definitions](#)

*(a) As used in this chapter—*

*(38) The term "United States", except as otherwise specifically herein provided, **when used in a geographical sense**, means the **continental United States**, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.*

First of all, this definition leaves much to be desired, because it:

1. Doesn’t tell us whether this is the only definition of “United States” that is applicable.
2. Gives us no clue as to how to determine whether the term “United States” is being used in a “geographical sense” as described above or in some other undefined sense. The OTHER most frequent undefined sense, in fact, is the “United States” as a legal person rather than a geographical area.

The definition also doesn’t tell us which of the three definitions of “United States” is being referred to as defined by the Supreme Court in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945) and as explained earlier in section 1. Since we have to guess which one they mean, then the law is already vague and confusing, and possibly even “void for vagueness” as is explained in Great IRS Hoax, Form #11.302, Section 5.10. However, in the absence of a clear and unambiguous definition, we must assume that because this is a federal statute, then by default that the definition used implies only the property of the federal government situated within the federal zone as the Supreme Court revealed in *U.S. v. Spelar*, 338 U.S. 217 at 222 (1949).

The legal encyclopedia American Jurisprudence helps us define what is meant by “United States” in the context of citizenship under *federal* (not state) law:

*3C American Jurisprudence 2d, Aliens and Citizens, §2689 (1999), Who is born in United States and subject to United States jurisdiction*

"A person is born subject to the jurisdiction of the United States, for purposes of acquiring citizenship at birth, if his or her birth occurs in territory over which the United States is sovereign, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country."

The key word in the above definition is "territory" in relationship to the sovereignty word. The only places which are "territories" of the United States government are listed in [Title 48 of the United States\[\\*\\*\] Code](#). The states of the union are NOT territories!

**"Territory:** A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.

A portion of the United States not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the President."  
[Black's Law Dictionary, Sixth Edition, p. 1473]

And the rulings of the U.S. Supreme Court confirm the above:

**"A State does not owe its origin to the Government of the United States, in the highest or in any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice of the people...A State is altogether exempt from the jurisdiction of the Courts of the United States, or from any other exterior authority, unless in the special instances when the general Government has power derived from the Constitution itself."**  
[Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#) (Dall.) (1793)]

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**"There is no such thing as a power of inherent sovereignty in the government of the United States .... In this country sovereignty resides in the people [living in the states of the Union, since the states created the United States government and they came before it], and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld."**  
[Juilliard v. Greenman: [110 U.S. 421](#) (1884)]

So what is really meant by "United States" for the three types of territorial nationals found in federal statutes such as 8 U.S.C. §1401(b)-(h) and 8 U.S.C. §1408 and 8 U.S.C. §1452 is the "sovereignty of the United States", which exists in its fullest, most exclusive, and most "general" form inside its "territories", and in federal enclaves within the states, or more generally in what we call the "federal zone" in this book. The ONLY place where the exclusive sovereignty of the United States exists in the context of its "territories" is under Article 1, Section 8, Clause 17 of the Constitution on federal land. In the legal field, by the way, this type of exclusive jurisdiction is described as "plenary power". Very few of us are born on federal land under such circumstances, and therefore very few of us technically qualify as "citizens of the United States". By the way, the federal government does have a very limited sovereignty or "authority" inside the states of the union, but it does not exceed that of the states, nor is it absolute or unrestrained or exclusive like it is inside the "territories" of the United States listed in [Title 48 of the United States\[\\*\\*\] Code](#).

Let's now see if we can confirm the above conclusions with the weasel words that the lawyers in Congress wrote into the statutes with the willful intent to deceive common people like you. The key phrase in 8 U.S.C. §1101(a)(38) above is "*the continental United States*". The definition of this term is hidden in the regulations as follows:

TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE,  
DEPARTMENT OF JUSTICE  
PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES

[Section 215.1: Definitions](#)

(f) The term continental United States means the District of Columbia and the several [States](#), except Alaska and Hawaii.

The term "States", which is suspiciously capitalized and is then also defined elsewhere in Title 8 as follows:

[8 U.S.C. §1101 Definitions](#)

(a) As used in this chapter—



(36) State [naturalization]

The term "State" includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[\*\*].

Do you see the sovereign Union states in the above definition? They aren't there. Note that there are several entities listed in the above definition of "State", which collectively are called "several States". But when Congress really wants to clearly state the 50 Union states that are "foreign states" relative to them, they have no trouble at all, because here is another definition of "State" found under an older version of Title 40 of the U.S. Code prior to 2005 which refers to easements on Union state property by the federal government:

TITLE 40 > CHAPTER 4 > Sec. 319c.  
Sec. 319c. - Definitions for easement provisions

As used in sections 319 to 319c of this title -

(a) The term "State" means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States[\*\*].

The above section, after we found it in 2002 and documented it here, was REWRITTEN in 2005 and REMOVED from Title 40 of the U.S. Code in order to cover up the distinctions we are trying to make here. Does that surprise you? In fact, this kind of "word smithing" by covetous lawyers is at the heart of how the separation of powers between the state and federal governments is being systematically destroyed, as documented below:

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

Did you notice in the now repealed 40 U.S.C. §319c that they used the term "means" instead of "includes" and that they said "States of the Union" instead of "several States"? You can tell they are playing word games and trying to hide their limited jurisdiction whenever they throw in the word "includes" and do not use the word "Union" in their definition of "State". As a matter of fact, section 5.6.15 of the Great IRS Hoax reveals that there is a big scandal surrounding the use of the word "includes". That word is abused as a way to illegally expand the jurisdiction of the federal government beyond its clear Constitutional limits. The memorandum of law below thoroughly rebuts any lies or deception the government is likely to throw at you regarding the word "includes" and you might want to read it:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

Moving on, if we then substitute the definition of the term "State" from 8 U.S.C. §1101(a)(36) into the definition of "continental United States" in 8 C.F.R. §215.1, we get:

8 C.F.R. §215.1

The term continental United States means the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States, except Alaska and Hawaii.

We must then conclude that the "continental United States" means essentially the federal areas within the real (not legally defined) continental United States. We must also conclude based on the above analysis that:

1. The term "continental United States" is redundant and unnecessary within the definition of "United States" found in 8 U.S.C. §1101(a)(38).
2. The use of the term "continental United States\*\*" is introduced mainly to deceive and confuse the average American about his true citizenship status as a "national" or a "state national" and not a "U.S. national".

The above analysis also leaves us with one last nagging question: why do Alaska and Hawaii appear in the definition of "United States" in 8 U.S.C. §1101(a)(38), since we showed that the other "States" mentioned as part of this "United States" are federal "States"? If our hypothesis is correct that the "United States" means "the federal zone" within federal statutes and regulations and "the states of the Union" collectively within the Constitution, then the definition from the regulation above can't include any part of a Union state that is not a federal enclave. In the case of Alaska and Hawaii, they were only recently

admitted as Union states (1950s). The legislative notes for Title 8 of the U.S. Code (entitled “Aliens and Nationality”) reveal that the title is primarily derived from the Immigration and Nationality Act of 1940, which was written BEFORE Alaska and Hawaii joined the Union. Before that, they were referred to as the Territories of Alaska and Hawaii, which belonged to the “United States”. Note that 8 U.S.C. §1101(a)(38) adds the phrase “of the United States” after the names of these two former territories and groups them together with other federal territories, which to us implies that they are referring to Alaska and Hawaii when they were territories rather than Union states. At the time they were federal territories, then they were federal “States”. These conclusions are confirmed by a rule of statutory construction known as “ejusdem generis”, which basically says that items of the same class or general type must be grouped together. The other items that Alaska and Hawaii are grouped with are federal territories in the list of enumerated items:

*“Ejusdem generis. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the “ejusdem generis rule” is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.*

*Under “ejusdem generis” canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696.”*  
*[Black’s Law Dictionary, Sixth Edition, p. 517]*

Many freedom lovers allow themselves to be confused by the content of the Fourteenth Amendment so that they do not believe the distinctions we are trying to make here about the differences in meaning of the term “United States” between the Constitution and federal statutes. Here is what section 1 of that Amendment says:

*United States Constitution  
Fourteenth Amendment*

*“Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”*

The U.S. Supreme Court clarifies exactly what the phrase “subject to the jurisdiction” above means. It means the “political jurisdiction” of the United States and NOT the “legislative jurisdiction”(!):

*“This section contemplates two sources of citizenship, and two sources only, -birth and naturalization. The persons declared to be citizens are ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof.’ The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”*  
*[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

“Political jurisdiction” is NOT the same as “legislative jurisdiction”. “Political jurisdiction” was defined by the U.S. Supreme Court in Minor v. Happersett:

*“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.*

*“For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the government. Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it [the word*

1                   **“citizen”] is understood as conveying the idea of membership**  
2                   **of a nation, and nothing more.”**

3                   *“To determine, then, who were citizens of the United States before the adoption of the amendment it is*  
4                   *necessary to ascertain what persons originally associated themselves together to form the nation, and what*  
5                   *were afterwards admitted to membership.”*  
6                   *[Minor v. Happersett, 88 U.S. 162 (1874)]*

7                   Notice how the Supreme court used the phrase “and nothing more”, as if to emphasize that citizenship doesn’t imply  
8                   legislative jurisdiction, but simply political membership. We described in detail the two political jurisdictions within our  
9                   country earlier in section 4.7. “Political jurisdiction” implies only the following:

- 10                  1.   Membership in a political community (see Minor v. Happersett, 88 U.S. 162 (1874)).  
11                  2.   Right to vote.  
12                  3.   Right to serve on jury duty.

13                  “Legislative jurisdiction”, on the other hand, implies being “completely subject” and subservient to federal laws and all “Acts  
14                  of Congress”, which only people in the District of Columbia and the territories and possessions of the United States can be.  
15                  You can be “completely subject to the political jurisdiction” of the United States\*\*\* without being subject in any degree to  
16                  a specific “Act of Congress” or the Internal Revenue Code, for instance. The final nail is put in the coffin on the subject of  
17                  what “subject to **the** jurisdiction” means in the Fourteenth Amendment, when the Supreme Court further said in the above  
18                  case:

19                   *“It is impossible* to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less  
20                   *comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or to hold*  
21                   *that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the*  
22                   *United States.'”*  
23                   *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898), emphasis added]*

24                  So “subject to the jurisdiction” means “subject to the [political] jurisdiction” of the United States\*\*\*, and the Fourteenth  
25                  Amendment definitely describes only those people born in states of the Union. Another very interesting conclusion reveals  
26                  itself from reading the following excerpt from the above case:

27                   *And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing*  
28                   *the first clause, observed that “the phrase ‘subject to the jurisdiction thereof’ was intended to exclude from its*  
29                   *operation children of ministers, consuls, and **citizens or subjects of foreign states**, born within the United States.*  
30                   *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

31                  When we first read that, an intriguing question popped into our head:

32                   *Is “Heaven” a “foreign state” with respect to the United States government and are we God’s “ambassadors”*  
33                   *and “ministers” of the Sovereign (“God”) in that “foreign state”?*

34                  Based on the way our deceitful and wicked public servants have been acting lately, we think so and here are the scriptures to  
35                  back it up!

36                   *“For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ”*  
37                   *[Philippians 3:20]*

38                   *“Now, therefore, you are no longer strangers and foreigners, but **fellow citizens with the saints and members of***  
39                   *the household of God.”*  
40                   *[Ephesians 2:19, Bible, NKJV]*

41                   *“These all died in faith, not having received the promises, but having seen them afar off were assured of them,*  
42                   *embraced them **and confessed that they were strangers and pilgrims on the earth.**”*  
43                   *[Hebrews 11:13]*

44                   *“Beloved, I beg you **as sojourners and pilgrims**, abstain from fleshly lusts which war against the soul...”*  
45                   *[1 Peter 2:1]*

Furthermore, if you read Great IRS Hoax, Form #11.302, Section 5.2.15, you will *also* find that the 50 Union states are considered “foreign states” and “foreign countries” with respect to the U.S. government as far as Internal Revenue Code, Subtitle A income taxes are concerned:

Foreign government: “The government of the United States of America, as distinguished from the government of the several states.”  
[Black’s Law Dictionary, 5<sup>th</sup> Edition]

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

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

Another place you can look to find confirmation of our conclusions is the Department of State Foreign Affairs Manual, [8 Foreign Affairs Manual \(F.A.M.\), Section 301.1](#), available at:

<https://fam.state.gov/FAM/08FAM/08FAM030101.html>

which says in pertinent part:

8 FAM 301.1-2 WHAT IS BIRTH “IN THE UNITED STATES”?

(CT:CITZ-45; 12-09-2020)

a. INA 101(a)(38) (8 U.S.C. 1101 (a)(38)) provides that “the term ‘United States,’ when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.”

b. On November 3, 1986, Public Law 94-241, “approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America”, (Section 506(c)), took effect. From that point on, the Northern Mariana Islands have been treated as part of the United States for the purposes of INA 301 (8 U.S.C. 1401) and INA 308 (8 U.S.C. 1408) (see [8 FAM 302.1](#))

c. The Nationality Act of 1940 (NA), Section 101(d) (54 Statutes at Large 1172) (effective January 13, 1941 until December 23, 1952) provided that “the term ‘United States’ when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.” The 1940 Act did not include Guam or the Northern Mariana Islands as coming within the definition of “United States.”

See the text of the 1940 Act on the Intranet, Acquisition of Citizenship, Legal and Regulatory Documents.

d. Prior to January 13, 1941, there was no statutory definition of “the United States” for citizenship purposes. The phrase “in the United States” as used in Section 1993 of the Revised Statutes of 1878 clearly includes states that have been admitted to the Union (see [8 FAM 102.2](#)).

e. INA 304 (8 U.S.C. 1404) and INA 305 (8 U.S.C. 1405) provide a basis for citizenship of persons born in Alaska and Hawaii, respectively, while they were territories of the United States.

[8 Foreign Affairs Manual (FAM), Section 301.1-2; <https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

Note the following important facts about the above:

1. They don’t mention the Fourteenth Amendment ANYWHERE as being included in the STATUTORY geographical definition of “United States”.
2. 8 U.S.C. §1401 POLITICAL “nationals and citizens of the United States at birth” are the only types of citizens mentioned above and they include Constitutional “Citizens” in the original constitution or “citizens of the United States” in the Fourteenth Amendment.
3. The states of the Union are NOWHERE defined in Title 8 to expressly include any part of the exclusive jurisdiction of a Constitutional state.

4. The definition of the STATUTORY term “continental United States” in Title 8 of the U.S. Code is NOWHERE defined to expressly include areas within the exclusive jurisdiction of a Constitutional state. More at:

Tax Deposition Questions, Section 14: Citizenship  
<https://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section%2014.htm>

There is obviously LOTS of equivocation going on here to make you falsely believe that STATUTORY and CONSTITUTIONAL citizens are equivalent, folks, even though they are not and are mutually exclusive.

In fact, the statutory term “United States” in the context of citizenship was not even defined up until 1941. If our own government hadn’t defined the meaning of the term “United States” up until 1941, then do you think there might have been some confusion over this and that this confusion was deliberate? Can you also see how the ruling in *Wong Kim Ark* might have been somewhat ambiguous to the average American without a statutory (legal) reference for the terms it was using? Once again, the government likes to confuse people about its jurisdiction in order to grab more of it. Here is how Thomas Jefferson explained it:

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

*"We all know that permanent judges acquire an esprit de corps; that, being known, they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative; that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."*  
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]

*"It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear?"*  
[Thomas Jefferson: Autobiography, 1821. ME 1:121 ]

*"At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and harmless members of the government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and little the foundations of the Constitution and working its change by construction before any one has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account."*  
[Thomas Jefferson to A. Coray, 1823. ME 15:486 ]

*"I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the republic, which is the first and supreme law."*  
[Thomas Jefferson: Autobiography, 1821. ME 1:122 ]

*"The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its own will."*  
[Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68 ]

*"It is a misnomer to call a government republican in which a branch of the supreme power [the Federal Judiciary] is independent of the nation."*  
[Thomas Jefferson to James Pleasants, 1821. FE 10:198 ]

*"It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take on themselves to judge the law as well as the fact. They never exercise this power but when they suspect partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English liberty."*  
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]



With respect to that last remark, keep in mind that NONE of the U.S. Supreme Court cases like Wong Kim Ark have juries, so what do you think the judges are going to try to do?.. expand their power, duhhhh!

Another portion of that same document found in [8 Foreign Affairs Manual \(F.A.M.\), Section 301.1-1\(d\)](#) and since removed from the Foreign Affairs Manual says:

8 FAM 300  
U.S. CITIZENSHIP AND NATIONALITY  
8 FAM 301  
U.S. CITIZENSHIP  
8 FAM 301.1  
ACQUISITION BY BIRTH IN THE UNITED STATES  
(CT:CITZ-50; 01-21-2021)  
(Office of Origin: CA/PPT/S/A)

8 FAM 301.1-1 INTRODUCTION

(CT:CITZ-50; 01-21-2021)

d. "Subject to the Jurisdiction of the United States": All children born in and subject, at the time of birth, to the jurisdiction of the United States acquire U.S. citizenship at birth even if their parents were in the United States illegally at the time of birth:

(1) The U.S. Supreme Court examined at length the theories and legal precedents on which the U.S. citizenship laws are based in U.S. v. Wong Kim Ark, 169 U.S. 649 (1898). In particular, the Court discussed the types of persons who are subject to U.S. jurisdiction. The Court affirmed that a child born in the United States to Chinese parents acquired U.S. citizenship even though the parents were, at the time, racially ineligible for naturalization;

(2) The Court also concluded that: "The 14th Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The Amendment, in clear words and in manifest intent, includes the children born within the territory of the United States, of all other persons, of whatever race or color, domiciled within the United States." Pursuant to this ruling;

(a) Acquisition of U.S. citizenship generally is not affected by the fact that the parents may be in the United States temporarily or illegally; and that; and

(b) A child born in an immigration detention center physically located in the United States is considered to have been born in the United States and be subject to its jurisdiction. This is so even if the child's parents have not been legally admitted to the United States and, for immigration purposes, may be viewed as not being in the United States.

[8 Foreign Affairs Manual (F.A.M.), Section 301.1-1(d)]

So what does "subject to the jurisdiction of the United States" mean in the context of CITIZENSHIP? It means subject to the POLITICAL and not LEGISLATIVE jurisdiction of the federal government at the time of birth. It does NOT mean subject to the exclusive legislative jurisdiction of the national government under Article 1, Section 8, Clause 17 of the U.S. Constitution. It means subject to the U.S. Constitution but not most federal statutes or the Internal Revenue Code.

Let's now further explore what [8 Foreign Affairs Manual \(F.A.M.\), Section 301.1-1\(d\)](#) means when it says "subject to the jurisdiction of the United States". In doing so, we will draw on the following very interesting article on our website:

<p><u>Authorities on Jurisdiction of Federal Courts</u>, Family Guardian Fellowship <a href="http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm">http://famguardian.org/Subjects/LawAndGovt/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm</a></p>
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We start with a cite from Title 18 that helps explain the jurisdiction of "the laws of the United States":

[TITLE 18 > PART III > CHAPTER 301 > Sec. 4001.](#)  
[Sec. 4001. - Limitation on detention; control of prisons](#)

(a) No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an Act of Congress.

Building on this theme, we now add a corroborating citation from the [Federal Rules of Criminal Procedure, Rule 26, Notes of Advisory Committee on Rules, paragraph 2](#), in the middle,

*"On the other hand since all Federal crimes are statutory [ see [United States v. Hudson, 11 U.S. 32, 3 L.Ed. 259 \(1812\)](#)] and all criminal prosecutions in the Federal courts are based on acts of Congress . . ." [emphasis added]*

We emphasize the phrase "**Acts of Congress**" above. In order to define the jurisdiction of the Federal courts to conduct criminal prosecutions and how they might apply "the laws of the United States" in any given situation, one would have to find out what the specific definition of "Act of Congress," is. We find such a definition in [Rule 54\(c\) of the Federal Rules of Criminal Procedure](#) prior to Dec. 2002, wherein "Act of Congress" is defined. Rule 54(c) states:

*"Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession."*

If you want to examine this rule for yourself, here is the link:

[http://www2.law.cornell.edu/cgi-bin/foioci.exe/frcrm/query=\[jump!3A!27district+court!27\]/doc/{ @772 }?](http://www2.law.cornell.edu/cgi-bin/foioci.exe/frcrm/query=[jump!3A!27district+court!27]/doc/{ @772 }?)

The \$64 question is:

*"ON WHICH OF THE FOUR LOCATIONS NAMED IN RULE 54(c) IS THE UNITED STATES DISTRICT COURT ASSERTING JURISDICTION WHEN THE U.S. ATTORNEY HAULS YOUR ASS INTO COURT ON AN INCOME TAX CRIME?"*

Hint: everyone knows what and where the District of Columbia is, and everyone knows where Puerto Rico is, and territories and insular possessions are defined in [Title 48 United States Code](#), happy hunting!

The U.S. Supreme Court says the same thing about this situation as well:

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

Keep in mind that Title 8 of the U.S. Code, which establishes NATIONALITY and CITIZENSHIP under federal law is federal "legislation". I guess that means there is nothing in that title that can define or circumscribe our rights as people born within and living within a state of the Union, which is foreign to the federal government for the purposes of legislative jurisdiction. In fact, that is exactly our status as a "national" defined in 8 U.S.C. §1101(a)(21). The term "national" is defined in the title but the rights of such a person are not limited or circumscribed there because they can't be under the Constitution. This, folks, is the essence of what it means to be truly "sovereign" with respect to the federal government, which is that you aren't the subject of any federal law. Laws limit rights and take them away. Rights don't come from laws, they come from God! America is "The land of the Kings". Every one of you is a king or ruler over your public servants, and THEY, not you, should be "rendering to Caesar", just as the Bible says in Matt. 22:15:22:

*"The people of the state [not the federal government, but the state: IMPORTANT!], as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the king by his own prerogative."*  
[*Lansing v. Smith, (1829) 4 Wendell 9, (NY)*]

*"It will be admitted on all hands that with the exception of the powers granted to the states and the federal government, through the Constitutions, the people of the several states are unconditionally sovereign within their respective states."*  
[*Ohio L. Ins. & T. Co. v. Debolt, 16 How. 416, 14 L.Ed. 997* ]

*"Sovereignty [that's you!] 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."*  
[*Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)*]

1 Territorial “nationals” and “state nationals” are also further defined in [8 U.S.C. §1101](#) as follows:

2 [TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101](#)  
3 [§ 1101. Definitions](#)

4 (a) As used in this chapter—

5 (21) The term “national” means a person owing permanent allegiance to a state.

6 (22) The term “national of the United States[\*\*]” means:

7 (A) a citizen of the United States, or

8 (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United  
9 States.

10 Note the suspect word “permanent” in the above definition. Below is the definition of “permanent” from the same title found  
11 in [8 U.S.C. §1101\(a\)\(31\)](#):

12 (a) As used in this chapter—

13 (31) The term “permanent” means a relationship of continuing or lasting nature, as distinguished from temporary,  
14 but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either  
15 of the United States or of the individual, in accordance with law.

16 For those of you who are Christians, you realize that this life is very temporary and that nothing on this earth can be permanent,  
17 and especially your life. The bible says that “the wages of sin is death” (Rom. 6:23), and so there is nothing more certain  
18 than death, which means there can be nothing physical that is permanent on earth including our very short lives. The only  
19 thing permanent is our spirit and not our physical body, which will certainly deteriorate and die. Therefore, there can be no  
20 such thing as “permanent allegiance” on our part to anything but God for Christians.

21 When we bring up the above kinds of issues, some of our readers have said that they don’t even like being called “nationals”  
22 as they are defined above, and we agree with them. However, it is a practical reality that you cannot get a passport within  
23 our society without being either a “U.S. citizen” or a “national”, because state governments simply won’t issue passports to  
24 those who are state nationals, which is what most of us are. That was not always true, but it is true now. The compromise  
25 we make in this sort of dilemma is to clarify on our passport application that the term “U.S.” as used on our passport  
26 application means the “United States of America” and not the federal United States or the federal corporation called the  
27 United States government.

28 Now we ask our esteemed readers:

29 “After all the crazy circuitous logic and wild goose chasing that results from listening to the propaganda of the  
30 government from its various branches on the citizenship definitions, what should a reasonable man conclude  
31 about the meanings of these terms? We only have two choices:

- 32 1. ‘United States’ as used in [8 U.S.C. §1101\(a\)\(38\)](#) means the federal zone “United States\*\*” and  
33 ‘U.S. \*\* citizens\*’ are born in the federal zone under all federal statutes and “acts of Congress”. This  
34 implies that Americans born and domiciled outside the federal zone and in a constitutional state of  
35 the Union can only be state nationals per 8 U.S.C. §1101(a)(21).
- 36 2. ‘United States’ as used in [8 U.S.C. §1101\(a\)\(38\)](#) means the the “United States\*” and entire country  
37 and political jurisdictions that are legislatively foreign to that of the federal government which are  
38 found in the states. This implies that most Americans can be BOTH statutory “nationals and citizens  
39 of the United States” per 8 U.S.C. §1401 and Fourteenth Amendment “citizens of the United  
40 States\*\*\*” at the same time.

41 We believe the answer is that our system of jurisprudence is based on “innocence until proven guilty”. In this case, the fact  
42 in question is: “Are you a U.S. citizen”, and being “not guilty” and having our rights and sovereignty respected by our  
43 deceitful government under these circumstances implies being a “national” or a “state national”. Therefore, at best, we should  
44 conclude that the above analysis is correct and clearly explains the foundations of what it means to be a “national” or a “state  
45 national” and why most Americans fit that description. At the very worst, our analysis clearly establishes that federal statutory

and case law, at least insofar as “U.S. citizenship” is very vague and very ambiguous and needs further definition. The supreme Court has held that when laws are vague, then they are “void for vagueness”, null, and unenforceable. See the following cases for confirmation of this fact:

*“A statute which either forbids or requires the doing of an act in terms so vague that men and women of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.”*  
*[Connally vs. General Construction Co., 269 U.S. 385 (1926)]*

*“It is a basic principle of due process that an enactment [435 U.S. 982 , 986] is void for vagueness if its prohibitions are not clearly defined. Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an ad hoc and subjective basis, with the attendant dangers of arbitrary and discriminatory application.”*  
*[Grayned v. City of Rockford, 408 U.S. 104, 108 (1972), emphasis added]*

We refer you to the following additional rulings of the U.S. Supreme Court on “void for vagueness” as additional authorities:

1. *Papachristou v. City of Jacksonville*, 405 U.S. 156 (1972)
2. *Cline v. Frink Dairy Co.*, 274 U.S. 445, 47 S. Ct. 681 (1927)
3. *Sewell v. Georgia*, 435 U.S. 982 (1978)

Here is the way one of our readers describes the irrational propaganda and laws the government writes:

*“If it doesn’t make sense, it’s probably because politics is involved!”*

Our conclusions then to the matters at our disposal are the following based on the above reasonable analysis:

1. The “United States” defined in Section 1 of the Fourteenth Amendment means the states of the Union while the “United States” appearing in federal statutes in most cases, means the federal zone. For instance, the definition of “United States” relating to citizenship and found in 8 U.S.C. §1101(a)(38) means the federal zone, as we prove in questions 77 through 82 of our Tax Deposition Questions located at:  
[http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section\\_14.htm](http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section_14.htm).
2. Most Americans are “nationals” or “state nationals” rather than “U.S. citizens” or “U.S. nationals” under all “Acts of Congress” and federal statutes. The Internal Revenue code is an “act of Congress” and a federal statute.
3. Our government has deliberately tried to confuse and obfuscate the laws on citizenship to fool the average American into incorrectly declaring that they are “U.S. citizens” in order to be subject to their laws and come under their jurisdiction.
4. The courts have not lived up to their role in challenging unconstitutional exercises of power by the other branches of government or in protecting our Constitutional rights. They are on the take like everyone else who works in the federal government and have conspired with the other branches of government in illegally expanding federal jurisdiction.
5. Once the feds used this ruse with words to get Americans under their corrupted jurisdiction as statutory “U.S. citizens” and presumed “taxpayers”, our federal “servants” have then made themselves into the “masters” by subjecting sovereign Americans to their corrupted laws within the federal zone that can disregard the Constitution because the Constitution doesn’t apply in these areas. By so doing, they can illegally enforce the Internal Revenue Code and abuse their powers to plunder the assets, property, labor, and lives of most Americans in the covetous pursuit of money that the law and the Constitution did not otherwise entitle them to. This act to subvert the operation of the Constitution amounts to an act of war and treason on the sovereignty of Americans and the sovereign states that they live in, punishable under Article III, Section 3 of the U.S. Constitution with death by execution.

Old (and bad) habits die hard. Even if you don’t want to believe any of the foregoing analysis or conclusions and you consequently still stubbornly cling to the false notion that you are a “citizen\* of the United States\*\*” instead of a “national” or “state national”, the fact remains that all “nationals and citizens of the United States at bith” are also defined in 8 U.S.C. §1401 to include “national” status. That means that being a privileged statutory “citizen of the United States\*\*” under federal law is a dual citizenship status while being a statutory “national” is only a single status (U.S. nationality derived from state birth and citizenship):

The following shall be nationals and citizens of the United States at birth:

(a) a person born in the United States, and subject to the jurisdiction thereof;

[...]

This type of dual status is described in Black's Law Dictionary as follows:

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

The term "citizenship" as used by the courts means "nationality", so dual citizenship means "dual nationality and allegiance".<sup>69</sup> You see, even the law dictionary says your state is a "country", which means you are a national of that country according to 8 U.S.C. §1101(a)(21).

What can we do to correct our citizenship status and protect our liberties? Well, since you are already a "national" as a dual national called a "citizen of the United States", you can abandon half of your dual citizenship. The door is still therefore wide open for you to correct your status and liberate yourself from the government's chains of slavery, and the law authorizes you to do this. The government also can't stop you from doing this, because here is how one court explained legislation passed by Congress authorizing expatriation only days before the Fourteenth Amendment was ratified and which is still in force (stare decisis) today:

*"Almost a century ago, Congress declared that 'the right of expatriation [including expatriation from the District of Columbia or 'U.S. Inc', the corporation] is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness,' and decreed that 'any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.'" 15 Stat. 223-224 (1868), R.S. §1999, 8 U.S.C. § 800 (1940).<sup>70</sup> Although designed to apply especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad enough to cover, and does cover, the corresponding natural and inherent right of American citizens to expatriate themselves." *Savorgnan v. United States*, 1950, 338 U.S. 491, 498 note 11, 70 S.Ct. 292, 296, 94 L.Ed. 287.<sup>71</sup> The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to be read in the light of the declaration of policy favoring freedom of expatriation which stands unrepealed." *Id.*, 338 U.S. at pages 498-499, 70 S.Ct. at page 296. That same light, I think, illuminates 22 U.S.C.A. §211a and 8 U.S.C.A. §1185."*  
[*Walter Briebl v. John Foster Dulles*, 248 F.2d. 561, 583 (1957)]

You see, our politicians know that citizenship in any political jurisdiction can be regarded as an assault on our liberties, and that sometimes we have to renounce it in order to protect those liberties, so they provided a lawful way to do exactly that. Another reason they have to allow expatriation of any or all aspects of one's citizenship is that if they didn't, they could no longer call citizenship "voluntary", now could they? And if it isn't voluntary, then the whole country becomes one big DESPOTIC TOTALITARIAN SLAVE CAMP and the Declaration of Independence goes into the toilet! Remember what that Declaration said?

**That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,** --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness." [emphasis added]  
[Declaration of Independence, 1776]

<sup>69</sup> See also *Perkins v. Elg*, 307 U.S. 325 (1939), which defines "expatriation" as the process of abandoning "nationality and allegiance", not citizenship.

<sup>70</sup> See Carrington, Political Questions: The Judicial Check on the Executive, 42 Va.L.Rev. 175 (1956).

<sup>71</sup> 9 Pet. 692, 34 U.S. 692, 699, 9 L.Ed. 276.



How can you be “independent” and “sovereign” if you can’t even declare or determine your own citizenship status? Citizenship must therefore be voluntary and consensual or the enforcement of all laws based on it becomes unjust. If you are a “U.S. citizen” and you have a dual citizenship as we just defined earlier using 8 U.S.C. §1401 above. The government cannot unilaterally sever any aspect of your dual citizenship and that it is a permanent contract which only you [not the government] can revoke any aspect of either by dying or by voluntary choice in a process initiated by you. Every aspect of your citizenship status must be voluntary or it is unjust and if you want to eliminate or revoke the federal portion of your citizenship status only and retain the “national” or “state citizen” status that you already have as a “U.S. citizen”, then the government cannot lawfully stop you, and if they try to, your citizenship is no longer voluntary but compelled. Once it is compelled, your compliance with federal laws based on citizenship as a SOVEREIGN is no longer voluntary or consensual, but is based on duress, fraud, extortion, and amounts to slavery in violation of the Thirteenth Amendment to the U.S. Constitution! What are you waiting for and why haven’t you corrected your citizenship status yet?

## 9.2 Voting as an 8 U.S.C. §1101(a)(21) “national” or “state national”

The point of reference in the example given below is the California Republic (notice we didn’t say “State of California”, because that term means federal areas inside California!). The cite below doesn’t define “United States citizen” but it’s safe to conclude that it means a “national of the United States\*\*\*”, and you should specify this on your voter registration document to remove any possibility for false presumption.

CALIFORNIA CONSTITUTION

ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL

SEC. 2. A United States citizen 18 years of age and resident in this State may vote.

The situation may be different for other states. If you live in a state other than California, you will need to check the laws of your specific home state in order to determine whether the prohibition against voting applies to “nationals” or “state nationals” in your state. If authorities give you a bad time about trying to register to vote without being a federal “U.S. citizen”, then show them the Declaration of Independence, which says:

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—  
[Declaration of Independence]*

Emphasize that it doesn’t say “endowed by their government” or “endowed by their federal citizenship” or “endowed by their registrar of voters”, but instead “endowed by their CREATOR”. The rights to life, liberty, and the pursuit of happiness certainly include suffrage and the right to own property. Suffrage is necessary in turn to protect personal property from encroachment by the government and socialistic fellow citizens. These are not “privileges” that result from federal citizenship. They are rights that result from birth! Thomas Jefferson said so:

*“A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate.”  
[Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134]*

*“Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath?”  
[Thomas Jefferson: Notes on Virginia Q.XVIII, 1782. ME 2:227]*

Below is a summary of our research relating to the right to vote as a “national” or “state national”:

1. Some states require that an elector be a “citizen\* of the United States\*\*\*” or “United States\*\*\* citizen\*”
  - 1.1. See voter registration form, available at Post Office
  - 1.2. This qualification can interfere with the right to vote by a national .
    - 1.2.1. Voter registration form exhibits a formal affidavit, signed under penalties of perjury, that voter is a “U.S. citizen”
      - 1.2.1.1. Such an affidavit is admissible evidence in any state or federal court
      - 1.2.1.2. Federal courts use this affidavit to establish court jurisdiction or “U.S. citizen” status.
    - 1.2.2. Perjury is punishable by 2 or 3 years in state prison (see warnings on registration form)
    - 1.2.3. Warnings are in CONSPICUOUS text, which prevents the signer from saying he didn’t see it

- 1.3. To avoid establishing a false presumption that you are a “citizen\* of the United States\*\*\*” under federal statutes, you must clarify the status of your citizenship on their voter registration in order to perfect and maintain your sovereign status.
  - 1.3.1. Most registration forms were signed in ignorance of the 2 classes of citizenship in America
  - 1.3.2. We must claim to be a “national of the United States\*\*\* OF AMERICA”. Refer to 8 U.S.C. §1101(a)(21), 8 U.S.C. §1101(a)(22), and 8 U.S.C. §1408 for a description of the different types of STATUTORY “nationals”.
  - 1.3.3. We should NOT claim to be a “citizen of the United States\*\*\*” under 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A).
  - 1.3.4. With this knowledge, “nationals” and “state nationals” elect “to be treated” as “U.S.\*\* citizens\*\*+D” under the Internal Revenue Code (I.R.C.) by ignorantly and incorrectly claiming “citizen of the United States” OR not clarifying the CONTEXT of the term, meaning CONSTITUTIONAL rather than STATUTORY. To avoid this trap, they should clarify their citizenship on their voter registration as outlined in section 5.6.6 of the Sovereignty Forms and Instructions Manual, Form #10.005 entitled “Voter Registration Affidavit Attachment”.
2. Registering to vote produces material evidence that one is a “U.S.\*\*\* citizen\*\*+D” who is, by definition, in receipt of privileges by virtue of a CIVIL DOMICILE.
  - 2.1. State Citizens are protected by constitutional limits against direct taxation
  - 2.2. Direct taxes must be apportioned per Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3
  - 2.3. Federal citizens are not protected by these same constitutional limits
3. If you are a “national” and you live in a state that won’t allow you to register to vote without clarifying your status as a “national” on the application form or without declaring a civil domicile, then you should take the following measures in order to avoid jeopardizing their Natural Born state Citizenship status:
  - 3.1. Cancel your voter registration to perfect and maintain your sovereign status under the Law.
  - 3.2. Litigate to regain your right to vote as a “national” rather than a “U.S. citizen”.
4. The Fifteenth and the Nineteenth Amendments to the U.S. Constitution only protect the right to vote for those who are “citizens of the United States”. They do NOT protect the right to vote for those persons who are “U.S. nationals”.

### 9.3 Serving on Jury Duty as an 8 U.S.C. 1101(a)(21) “national” or “state national”

Serving on jury service is not necessarily or exclusively a privilege arising from being a “citizen\*” or “citizen\*\*+D”. Your state may apply additional criteria to the qualifications.

*“To remove the cause of them; to obviate objections to the validity of legislation similar to that contained in the first section of the Civil Rights Act; to prevent the possibility of hostile and discriminating legislation in future by a State against any citizen of the United States, and the enforcement of any such legislation already had; and to [100 U.S. 339, 365] secure to all persons within the jurisdiction of the States the equal protection of the laws,- the first section of the Fourteenth Amendment was adopted. Its first clause declared who are citizens of the United States and of the States. It thus removed from discussion the question, which had previously been debated, and though decided, not settled, by the judgment in the Dred Scott Case, whether descendants of persons brought to this country and sold as slaves were citizens, within the meaning of the Constitution. It also recognized, if it did not create, a national citizenship, as contradistinguished from that of the States. But the privilege or the duty, whichever it may be called, of acting as a juror in the courts of the country, is not an incident of citizenship. Women are citizens; so are the aged above sixty, and children in their minority; yet they are not allowed in Virginia to act as jurors. Though some of these are in all respects qualified for such service, no one will pretend that their exclusion by law from the jury list impairs their rights as citizens.”*  
[Ex Parte State of Virginia, 100 U.S. 339 (1879)]

Below is a summary of our research relating to the right to serve on a jury as a “national”:

1. Some states and the federal government require that a person who wishes to serve on jury duty must be a “citizen\* of the United States”. This is especially true in federal courts.
  - 1.1. The jury duty disqualification form says that you are disqualified if you are not a “citizen\* of the United States”. Since state statutes don’t define the meaning of the term “citizen of the United States” or “U.S. citizen”, you can just say that you are and then simply define what you mean on the form itself.
  - 1.2. The only way to overcome the built-in presumption that we are “citizens\* of the United States” on the jury summons is to file an affidavit in response to the summons claiming to be a “national of the United States\*\*\* of America” but not a “citizen of the United States\*\*\*” (refer to 8 U.S.C. §1101(a)(21) through 8 U.S.C. §1101(a)(22) and 8 U.S.C. §1408). See:

2. Serving on jury duty produces material evidence useful to the state or federal government that one is a “U.S. citizen\*” who is in receipt of government privileges, whereas State Citizens are not in receipt of such privileges.
3. If you are a CONSTITUTIONAL state Citizen and you live in a state that whose laws won’t allow you to serve on jury duty without committing fraud on the jury summons by claiming that you either have a civil domicile are a “U.S. citizen\*”, you should take the following measures in order to avoid jeopardizing your Natural Born state Citizenship status:
  - 3.1. Cancel your jury summons to perfect and maintain your sovereign status under the Law.
  - 3.2. Litigate to regain your right to serve on a jury without being a “U.S. citizen” and instead being a “state national” and statutory “non-resident non-person” in relation to the national government.

#### **9.4 Summary of Constraints applying to 8 U.S.C. §1101(a)(21) “national” status**

##### **1. Right to vote:**

- 1.1. “Nationals” and “state nationals” can register to vote under laws in most states but must be careful how they describe their status on the voter registration application.
- 1.2. Some state voter registration forms have a formal affidavit by which signer swears, under penalties of perjury, that s/he is a “citizen of the United States” or a “U.S. citizen”.
- 1.3. Such completed affidavits become admissible evidence and conclusive proof that signer is a “citizen of the United States” under federal statutes, which is not the same thing as a “national” or “state national”.

##### **2. Right to serve on jury duty:**

- 2.1. “nationals” or “state nationals” can serve on jury duty under most state laws. If your state gives you trouble by not allowing you to serve on jury duty as a “national” or “state national”, you are admonished to litigate to regain their voting rights and change state law.
- 2.2. Some state jury summons forms have a section that allows persons to disqualify themselves from serving on jury duty if they do not claim to be “citizens of the United States”. We should return the summons form with an affidavit claiming that we want to serve on jury duty and are “nationals” rather than “citizens” of the United States. If they then disqualify us from serving on jury duty, we should litigate to regain our right to serve on juries.
3. The exercise of “U.S. citizen\*\*+D” status, including voting and serving on jury duty, is a statutory privilege which can be created, taxed, regulated and even revoked by Congress! In effect, the government, through operation of law, has transformed a right into a taxable privilege, .
4. The exercise of “national” citizenship is an unalienable Right which Congress cannot tax, regulate or revoke under any circumstances.
5. Such a Right is guaranteed by the U.S. Constitution, which Congress cannot amend without the consent of three-fourths of the Union States.

## **10. EFFECT OF DOMICILE ON CITIZENSHIP STATUS**

When statutory “citizens” move their domicile outside of the exclusive legislative jurisdiction of the “state” to which they are a member and cease to participate directly in the political functions of that “state”, however, they become “nationals” but not “citizens” under federal law. This is confirmed by the definition of “citizen of the United States[\*\*\*]” found in Section 1 of the Fourteenth Amendment:

*U.S. Constitution:*  
[Fourteenth Amendment](#)

*Section. 1. All persons **born or naturalized in the United States[\*\*\*]** and subject to the jurisdiction thereof, are **citizens of the United States[\*\*\*]** and of the State wherein they reside.*

As you will learn later, the U.S. Supreme Court held in the case of *U.S. v. Wong Kim Ark*, [169 U.S. 649](#) (1898) that the term “subject to **the** jurisdiction” means “subject to the **political jurisdiction**”, which is very different from “subject to the **legislative jurisdiction**”. Note from the above that being a constitutional “citizen” has two prerequisites: “born within the [territorial] jurisdiction” and “**subject to the [political but not legislative] jurisdiction**”. The other noteworthy point to be made here is that the term “citizen” as used above is not used in the context of federal statutes or federal law, and therefore does not imply one is a “citizen” under federal law. The Constitution is what grants the authority to the federal government

to write federal statutes, but it is not a “federal statute”. The term “citizen”, in the context of the Constitution, simply refers to the political community created by that Constitution, which in this case is the federation of united states\*\*\* called the “United States\*\*\*”, and not the United States\*\* government itself.

When you move your domicile outside the exclusive territorial jurisdiction of the political body and do not participate in its political functions as a jurist or a voter, then you are no longer “subject to the [political] jurisdiction”. Likewise, because you are outside the territorial limits of the political body, you are also not subject in any degree to its legislative jurisdiction either:

*"Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First 'that every nation possesses an exclusive sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent.'" Story on Conflict of Laws §23."*  
[Baltimore & Ohio Railroad Co. v. Chambers, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

The word “territory” above needs further illumination. States of the Union are NOT considered “territories” or “territory” under federal law. This is confirmed by the Corpus Juris Secundum legal encyclopedia, which says on this subject the following:

Volume 86, Corpus Juris Secundum Legal Encyclopedia  
Territories  
§1. Definitions, Nature, and Distinctions

***The word 'territory,' when used to designate a political organization has a distinctive, fixed, and legal meaning under the political institutions of the United States[\*\*\*], and does not necessarily include all the territorial possessions of the United States[\*\*], but may include only the portions thereof which are organized and exercise governmental functions under act of congress."***

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

***'Territories' or 'territory' as including 'state' or 'states.' While the term 'territories of the' United States[\*\*] may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.***

***As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states.***  
[86 Corpus Juris Secundum (C.J.S.), Territories (2003)]

Notice that the above legal encyclopedia definition of “territory” refers to states of the Union as “foreign states”! A “foreign state” is a state that is not subject to the legislative jurisdiction or laws of the state that wrote the statute in question, which in this case is the federal government. The Supreme Court also agreed with the conclusions within this section so far, in the cite next. Notice how they use the terms “citizenship” and “nationality” or “national” interchangeably, because as you will learn later in section 15.4, they are equivalent:

*“The term 'dual nationality' needs exact appreciation. It refers to the fact that two States make equal claim to the allegiance of an individual at the same time. Thus, one State may claim his allegiance because of his birth within its territory, and the other because at the time of his birth in foreign territory his parents were its nationals. The laws of the United States[\*\*] purport to clothe persons with American citizenship by virtue of both principles."*

*"And after referring to the Fourteenth Amendment, U.S.C.A.Const., and the Act of February 10, 1855, R.S. 1993, 8 U.S.C.A. 6, the instructions continued: [307 U.S. 325, 345] 'It thus becomes important to note how far these differing claims of American nationality are fairly operative with respect to persons living abroad [or in states*



of the Union, which are ALSO foreign with respect to federal jurisdiction], whether they were born abroad or were born in the United States[\*\*\*] of alien parents and taken during minority to reside in the territory of States to which the parents owed allegiance. It is logical that, while the child remains or resides in territory of the foreign State [a state of the Union, in this case] claiming him as a national, the United States[\*\*] should respect its claim to allegiance. The important point to observe is that the doctrine of dual allegiance ceases, in American contemplation, to be fully applicable after the child has reached adult years. Thereafter two States may in fact claim him as a national. Those claims are not, however, regarded as of equal merit, because one of the States may then justly assert that his relationship to itself as a national is, by reason of circumstances that have arisen, inconsistent with, and reasonably superior to, any claim of allegiance asserted by any other State. Ordinarily the State in which the individual retains his residence after attaining his majority has the superior claim. The statutory law of the United States[\*\*] affords some guidance but not all that could be desired, because it fails to announce the circumstances when the child who resides abroad within the territory of a State reasonably claiming his allegiance forfeits completely the right to perfect his inchoate right to retain American citizenship." [Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]

So when a human being is born within but domiciled outside the exclusive legislative jurisdiction or "general sovereignty" of a political body and does not participate directly in its political functions, then they are statutory "nationals" but not "citizens" of that political body. This is the condition of people born in and domiciled within states of the Union in regard to their federal citizenship:

1. State citizens maintain a domicile that is outside the territorial and exclusive legislative jurisdiction of the federal government. They are not subject to the police powers of the federal government.
2. State citizens do not participate directly in the political functions of the federal government.
  - 2.1. They are not allowed to serve as jurists in federal court, because they don't reside in a federal area within their state. They can only serve as jurists in state courts. Federal district courts routinely violate this limitation by not ensuring that the people who serve on federal juries in federal courts come from federal areas. If they observed the law on this matter, they wouldn't have anyone left to serve on federal petit or grand juries! Therefore, they illegally use state DMV records to locate jurists and obfuscate the jury summons forms by asking if people are "U.S. citizens" without ever defining what it means!
  - 2.2. They do not participate directly in federal elections. There are no separate federal elections and separate voting days and voting precincts for federal elections. State citizens only participate in state elections, and elect *representatives* who go to Washington to "represent" their interests *indirectly*.

A prominent legal publisher, West Publishing, agrees with the findings in this section. Here is what they say in their publication entitled Conflicts In A Nutshell, Second Edition:

*In the United States[\*\*\*], "domicile" and "residence" are the two major competitors for judicial attention, and the words are almost invariably used to describe the relationship that the person has to the state rather than the nation. We use "citizenship" to describe the national relationship, and we generally eschew "nationality" (heard more frequently among European nations) as a descriptive term.* [Conflicts In A Nutshell, Second Edition, David D. Siegel, West Publishing, 1994, ISBN 0-314-02952-4, p. 15]

The implication of the above is that you cannot have a NATIONAL domicile, but only a domicile within a CONSTITUTIONAL but not STATUTORY state. A human being who is a "national" with respect to a political jurisdiction and who does not maintain a legal domicile within the exclusive legislative or "general" jurisdiction of the political body is treated as a non-resident within federal law. He is a "non-resident" because he is not consensually or physically present within the territorial limits. If he is ALSO a public officer, then he is also a "nonresident alien" under the Internal Revenue Code while on official business and a "non-resident non-person" in his or her private life. He is "foreign" because he does not maintain a civil domicile in the federal United States\*\* and therefore is not subject to its civil legislative jurisdiction. For instance, a "national of the United States\*\*\* of America" born within and domiciled within a constitutional state AND occupying a public office or a "non-citizen national of the United States\*\*\*" under 8 U.S.C. §1408 born and domiciled within a possession are both treated as "nonresident aliens" within the Internal Revenue Code:

26 U.S.C. §7701(b)(1)(B) Definitions

*An individual is a nonresident alien if such individual is neither a citizen of the United States[\*\*] nor a resident of the United States[\*\*] (within the meaning of subparagraph (A)).*

At the same time, such a human being is not an "alien" under federal law, because a nonresident alien is described but not defined as a human being who is neither a "citizen\*\*+D nor a resident", and that is exactly what the person mentioned in 8 U.S.C. §1101(a)(22)(B) (called "a person who, though not a citizen of the United States, owes permanent allegiance to the



United States\*\*”) is. Further confirmation of this conclusion is found in the definition of "resident" in [26 U.S.C. §7701\(b\)\(1\)\(A\)](#), which defines a "resident" as an "alien". Since the definition of "nonresident alien" above excludes "residents", then it also excludes "aliens".

A picture is worth a thousand words. We’ll now summarize the results of the preceding analysis to make it crystal clear for visually-minded readers:

**Table 11: Citizenship summary**

Citizenship	Defined or described in	Domicile in the federal zone?	Subject to <u>legislative jurisdiction</u> /police powers?	Subject to <u>political jurisdiction</u> ?	A “nonresident alien”?	A “non-resident non-person”?
“citizen”	<a href="#">8 U.S.C. §1401</a>	Yes	Yes	Yes	No	No
“resident”/“alien”	<a href="#">8 U.S.C. §1101(a)(3)</a> <a href="#">26 U.S.C. §7701(b)(1)(A)</a>	Yes	Yes	No	No	No
“national”	<a href="#">8 U.S.C. §1101(a)(21)</a>	No	No	Yes	Yes, but only if engaged in a public office	Yes, if not domiciled on federal territory.
“national of the United States**”	<a href="#">8 U.S.C. §1101(a)(22)</a>	1. Yes, if an 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) STATUTORY “citizen of the United States**” 2. Yes if “a person who, though not a citizen of the United States, owes permanent allegiance to the United States” under 8 U.S.C. §1101(a)(22)(B)		Yes	1. No, if an 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) STATUTORY “citizen of the United States**” 2. Yes if a “a person who, though not a citizen of the United States, owes permanent allegiance to the United States” under 8 U.S.C. §1101(a)(22)(B)	Yes, if not domiciled on federal territory.
“Non-citizen national of the United States**”	8 U.S.C. §1408 8 U.S.C. §1452	No	No	Yes	1. Yes, if engaged in a public office, and only while on official business. 2. No, if acting in an exclusively PRIVATE capacity.	Yes, if not domiciled on federal territory or in a U.S. possession.
“a person who, though not a citizen of the United States, owes permanent allegiance to the United States**”	8 U.S.C. §1101(a)(22)(B) 8 U.S.C. §1408	No	No	Yes	1. Yes, if engaged in a public office, and only while on official business. 2. No, if acting in an exclusively PRIVATE capacity.	Yes, if not domiciled on federal territory or in a U.S. possession.

1

2 **Table 12: Civil and political status**

<i>Location of birth</i>	<i>Political status</i>	<i>Civil status if domiciled WITHIN "United States**"</i>	<i>Civil status if domiciled WITHOUT "United States**"</i>
"United States**" per 8 U.S.C. §1101(a)(38), per 8 U.S.C. §1101(a)(36), 8 C.F.R. §215.1(f)	<b>"national of the United States**"</b> per 8 U.S.C. §1101(a)(22)	Statutory <b>"citizen of the United States** at birth"</b> per 8 U.S.C. §1401; <b>"United States person"</b> per 26 U.S.C. §7701(a)(30)	<b>"non-citizen national of the United States**"</b> per 8 U.S.C. §1452
"outlying possession of United States" per 8 U.S.C. §1101(a)(29)	<b>"non-citizen national of the United States**"</b> per 8 U.S.C. §1101(a)(22)(B)	<b>"non-citizen national of the United States** at birth"</b> per 8 U.S.C. §1408 and 8 U.S.C. §1452 <b>"United States** person"</b> per 26 U.S.C. §7701(a)(30)	<b>"non-citizen national of the United States**"</b> per 8 U.S.C. §1408, 8 U.S.C. §1452
A Constitutional Union state	Constitutional <b>"citizen of the United States**"</b> per 14th Amendment; <b>"national" of the United States of America</b> per 8 U.S.C. §1101(a)(21)	<b>"United States** person"</b> per 26 U.S.C. §7701(a)(30)	<b>"nonresident alien"</b> per 26 U.S.C. §7701(b)(1)(B) if a public officer <b>"non-resident NON-person"</b> if not a public officer
A foreign country	<b>Foreign "national"</b> per 8 U.S.C. §1101(a)(21) <b>"alien"</b> per 8 U.S.C. §1101(a)(3)	<b>"resident"</b> (alien) per 26 U.S.C. §7701(b)(1)(A) <b>"United States** person"</b> per 26 U.S.C. §7701(a)(30)	<b>"nonresident alien"</b> per 26 U.S.C. §7701(b)(1)(B) if a public officer <b>"non-resident NON-person"</b> if not a public officer

3 The table below describes the affect that changes in domicile have on citizenship status in the case of both "foreign nationals"  
4 and "domestic nationals". A "domestic national" is anyone born anywhere within any one of the 50 states on nonfederal land  
5 or who was born in any territory or possession of the United States[\*\*]. A "foreign national" is someone who was born  
6 anywhere outside of these areas. The jurisdiction mentioned in the right three columns is the "federal zone".

7

1 **Table 13: Effect of domicile on citizenship status**

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	“United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and (a)(10), <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>	“United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and (a)(10), <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>	Without the “United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and (a)(10), <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	“U.S. Person” <a href="#">26 U.S.C. §7701(a)(30)</a>	“U.S. Person” <a href="#">26 U.S.C. §7701(a)(30)</a>	“Nonresident alien individual” if a public officer in the U.S. government. <a href="#">26 C.F.R. §1.1441-1(c)(3)</a> for the definition of “individual”. “Non-resident NON-person” if NOT a public officer in the U.S. government
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	<u>IRS Form 1040NR</u> : “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-resident NON-person”
Status if “national of the United States**”	“national and citizen of the United States** at birth” per <a href="#">8 U.S.C. §1401</a> and “citizen of the United States**” per 8 U.S.C. §1101(a)(22)(A) if born in on federal territory. (Not required to file if physically present in the “ <a href="#">United States</a> ” because no statute requires it)	Citizen abroad <a href="#">26 U.S.C. §911</a> (Meets presence test)	“non-resident non-person” if born in a state of the Union. “non-citizen national of the United States**” under <a href="#">8 U.S.C. §1408</a> , <a href="#">8 U.S.C. §1452</a> , and <a href="#">8 U.S.C. §1101(a)(22)(B)</a> if born in a possession.
Status if FOREIGN “national” and “alien” pursuant to 8 U.S.C. §1101(a)(3)	“Resident alien” <a href="#">26 U.S.C. §7701(b)(1)(A)</a>	“Resident alien abroad” <a href="#">26 U.S.C. §911</a> (Meets presence test)	“Nonresident alien individual” if a public officer in the U.S. government. <a href="#">26 C.F.R. §1.1441-1(c)(3)</a> for the definition of “individual”. “Non-resident NON-person” if NOT a public officer in the U.S. government

2 **NOTES:**

- 3 1. “United States” is defined as federal territory within 26 U.S.C. §§7701(a)(9) and (a)(10), 7701(a)(39), and 7408(d), and
- 4 4 U.S.C. §110(d). It includes a constitutional state of the union, but ONLY among those who have made a CIVIL “U.S.
- 5 person” election under 26 U.S.C. §7701(a)(30). Otherwise, constitutional states are legislatively foreign among
- 6 American nationals by default, who are “nonresident aliens” WITHOUT the election.
- 7 2. The “District of Columbia” is defined as a federal corporation but not a physical place, a “body politic”, or a de jure
- 8 “government” within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See: [Corporatization and](#)
- 9 [Privatization of the Government](#), Form #05.024; <http://sedm.org/Forms/FormIndex.htm>.
- 10 3. “nationals” of the United States of America who are domiciled outside of federal jurisdiction, either in a state of the
- 11 Union or a foreign country, are “nationals” but not “citizens” under federal law. They also qualify as “nonresident aliens”
- 12 under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) if and only if they are engaged in a public office and “non-resident non-persons” if not
- 13 occupying a public office. See sections 4.12.3 of the [Great IRS Hoax](#), Form #11.302 for details.

4. Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented in IRS publications.
5. “FEDERAL ZONE”=District of Columbia and territories of the United States in the above table

In summary:

1. A “national” is defined in 8 U.S.C. §1101(a)(21) as a person who has allegiance to a “state”. The existence of that allegiance provides legal evidence that a human being has exercised their First Amendment right to politically associate themselves with a “state” in order to procure its protection. In return for said allegiance, the “national” is entitled to the protection of the state. *Minor v. Happersett*, 88 U.S. 162 (1874) .
2. The only thing you need in order to obtain a USA passport is “allegiance”. 22 U.S.C. §212. If the federal government is willing to issue you a passport, then they regard you as a “national”, because the only type of citizenship that carries with it exclusively allegiance is that of a “national”. 8 U.S.C. §1101(a)(21). See:

Getting a USA Passport as a “state national”, Form #10.013  
<https://sedm.org/Forms/FormIndex.htm>

3. In the constitution, “nationals” are called “citizens”.
4. A “citizen” in the Constitution does not imply a legal domicile on the territory of the “state” to whom we claim allegiance, but under federal statutory law, both “citizens” and “residents” are persons who have a legal domicile on the territory of the state to which he claims allegiance.
5. In federal statutory law, all “citizens” are also “nationals” but not all nationals are “citizens”. For proof, see:
  - 5.1. 8 U.S.C. §1401 defines a “national and citizen of the United States”.
  - 5.2. 8 U.S.C. §1452 defines a “U.S.\*\* non-citizen national”.
6. Since being a “national” is a prerequisite to being a “citizen”, then “citizens” within a country are a subset of those who are “nationals”.
7. “subject to the jurisdiction” is found in Section 1 of the Fourteenth Amendment of the Constitution. The Constitution is a political document and the phrase “subject to the jurisdiction” means all of the following:
  - 7.1. Being a member of a political group. *Minor v. Happersett*, 88 U.S. 162 (1874)

*“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.”*

*“For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the government. Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.”*

*“To determine, then, who were citizens of the United States before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.*

[...]

*“Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen—a member of the nation created by its adoption. He was one of the persons associating together to form the nation, and was, consequently, one of its original citizens. As to this there has never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons were part of the people at the time, but never as to their citizenship if they were.”*  
[*Minor v. Happersett*, 88 U.S. 162 (1874)]

- 7.2. Being subject to the political jurisdiction but NOT legislative jurisdiction of the state which we are a member of. *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898)

*“This section contemplates two sources of citizenship, and two sources only,—birth and naturalization. The persons declared to be citizens are ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof.’ The evident meaning of these last words is, not merely subject in some respect or degree to*

the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] **political jurisdiction**, and owing them [the state of the Union] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.” [U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

7.3. Being able to participate in the political affairs of the state by being able to elect its members as a voter or direct its activities as a jurist.

8. “**subject to its jurisdiction**” is found in federal statutes and regulations and it means all of the following:
  - 8.1. Having a legal domicile within the exclusive jurisdiction of a “state”. Within federal law, this “state” means the “United States” government and includes no part of any state of the Union.
  - 8.2. Being subject to the **legislative** but not **political jurisdiction** of a “state”.
9. Political jurisdiction and political rights are the tools we use to directly run and influence the government as voters and jurists.
10. Legislative jurisdiction, on the other hand, is how the government controls us using the laws it passes.

Now that we understand the distinctions between “citizens” and “nationals” within federal law, we are ready to tackle the citizenship issue head on.

## **11. FIVE TYPES OF AMERICAN NATIONALS**

There are five types of American nationals recognized under federal law:

### **1. STATUTORY CIVIL “U.S.\*\* citizen++D”**

- 1.1. A CIVIL status that is geographical.
- 1.2. Consensually domiciled within the exclusive jurisdiction of Congress.
- 1.3. Subject to the civil laws of Congress under Federal Rule of Civil Procedure 17.
- 1.4. Could consist of a human being or an office or civil status created by Congress and therefore PROPERTY of Congress. For example, a civil statutory “U.S. person” in 26 U.S.C. §7701(a)(30).
- 1.5. If the citizen\*\*+D it is a legislatively created fiction or OFFICE or CIVIL STATUS the OFFICER can act as a “RESIDENT AGENT” for the office and have a domicile INDEPENDENT of and not the same as the office. See, for instance, 26 C.F.R. §301.7701(b)-2. For instance, states of the Union in registering corporations and LLCs with the Secretary of State permit the resident agent to be physically within the state but domiciled OUTSIDE the county that is the situs of the entity. We know of no cases, however, where the resident agent can reside physically outside the entire state. This is because they would be in a foreign state and outside the venue of the states courts. They would not be susceptible to service of process under the circumstances.

### **2. STATUTORY political “nationals and citizens of the United States at birth” (statutory “U.S.\* citizen\*\*”)**

- 2.1. A POLITICAL status not tied to a geographical place. Allegiance can exist independent of geography.
- 2.2. A status defined and found in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A), in the implementing regulations of the Internal Revenue Code at 26 C.F.R. §1.1-1(c), and in most other federal statutes.
- 2.3. Born anywhere in the exclusive jurisdiction of states of the Union or abroad.
- 2.4. Also called “political U.S.\* citizens\*\*” throughout this document.

### **3. STATUTORY political “nationals but not citizens of the United States\*\* at birth” (where “United States” or “U.S.” means the federal United States)**

- 3.1. A POLITICAL status not tied to a geographical place. Allegiance can exist independent of geography.
- 3.2. Defined in 8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1452.
- 3.3. Born anywhere American Samoa or Swains Island.
- 3.4. May not participate politically in federal elections or as federal jurists.
- 3.5. Owe allegiance to the GOVERNMENT of the United States\*\* and NOT the PEOPLE of the States of the Union, who are called United States\*\*\*.

### **4. STATUTORY political “national of the United States\*\*”**

- 4.1. A POLITICAL status not tied to a geographical place. Allegiance can exist independent of geography.
- 4.2. Defined in 8 U.S.C. §1101(a)(22).
- 4.3. Includes POLITICAL “citizens of the United States\*\*” defined in 8 U.S.C. §1101(a)(22)(A).
- 4.4. Includes “a person who, though not a citizen of the United States[\*\*], owes permanent allegiance to the United States[\*\*]” defined in 8 U.S.C. §1101(a)(22)(B).



5. **CONSTITUTIONAL “nationals of the United States\*\*\*”, “State nationals”, or “nationals of the United States of America”**

- 5.1. A POLITICAL status not tied to a geographical place. Allegiance can exist independent of geography.
- 5.2. Defined under federal law pursuant to 8 U.S.C. §1101(a)(21), under Law of Nations, under state laws, and under U.S.A. Constitution.
- 5.3. Is equivalent to the term “state citizen”.
- 5.4. In general, born in any one of the several states of the Union but not in a federal territory, possession, or the District of Columbia. Not domiciled in the federal zone.
- 5.5. Not subject to the “police power” of the federal government or most “Acts of Congress”.
- 5.6. Owes allegiance to the sovereign people, collectively and individually, within the body politic of the constitutional state residing in.
- 5.7. May serve as a state jurist or grand jurist involving only parties with his same citizenship and domicile status.
- 5.8. May vote in state elections.
- 5.9. At this time, all “state Nationals” are also a “USA National”. But not all “USA Nationals” are a “state National” (for example, a USA national not residing nor domiciled in a state of the Union).
- 5.10. Is a man or woman whose unalienable natural rights are recognized, secured, and protected by his state constitution against state actions and against federal intrusion by the Constitution for the United States of America.
- 5.11. Includes state nationals, because you cannot get a USA passport without this status per [22 U.S.C. §212](#) and [22 C.F.R. §51.2](#).

POLITICAL citizens\* under 8 U.S.C. §1401(a) are synonymous with Fourteenth Amendment “citizens of the United States\*\*\*”. Political citizens\* 8 U.S.C. §1401 OTHER than 8 U.S.C. §1401(a) are privileged and may have their citizen status taken away by Congress.

We have prepared a Venn diagram showing all of the various types of citizens so that you can properly distinguish them. The important thing to notice about this diagram is that there are multiple types of “citizens of the United States” and “nationals of the United States” because there are multiple definitions of “United States” according to the Supreme Court in *Hooven and Allison v. Evatt*,

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

The three definitions of the term “United States” are abbreviated or symbolized using the conventions below:

**Table 14: Meanings assigned to "United States" by the U.S. Supreme Court in *Hooven & Allison v. Evatt***

#	U.S. Supreme Court Definition of “United States” in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
1	“It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations.”	International law	“United States*”	“These <u>united States</u> ,” when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where “U.S.” refers to the sovereign society. You are a “Citizen of the United States” like someone is a Citizen of France, or England. We identify this version of “United States” with a single asterisk after its name: “United States*” throughout this article.
2	“It may designate the territory over which the sovereignty of the United States extends, or”	Federal law Federal forms	“United States**”	“The United States (the District of Columbia, possessions and territories)”. Here Congress has exclusive legislative jurisdiction. In this sense, the term “United States” is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a “citizen of the United States.” This is the definition used in most “Acts of Congress” and federal statutes. We identify this version of “United States” with two asterisks after its name: “United States**” throughout this article. This definition is also synonymous with the “United States” corporation found in 28 U.S.C. §3002(15)(A).
3	“...as the collective name for the states which are united by and under the Constitution.”	Constitution of the United States	“United States***”	“The <u>several States</u> which is the <u>united States of America</u> .” Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the Congress does not have

#	U.S. Supreme Court Definition of “United States” in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
				exclusive legislative authority over any of the 50 sovereign States within the Union of States. Rights are retained by the States in the 9th and 10th Amendments, and you are a “Citizen of these united States.” This is the definition used in the Constitution for the United States of America. We identify this version of “United States” with a three asterisks after its name: “United States***” throughout this article.

## 12. LEGAL BASIS FOR CONSTITUTIONAL “NATIONAL” or “STATE NATIONAL” STATUS

The following subsections describe a “state national” or CONSTITUTIONAL “national” within the context of the title of this document. For the purposes of this discussion, “state national” and CONSTITUTIONAL “national” are equivalent.

### 12.1 What is a CONSTITUTIONAL “national” or “State national”?

State nationals are referred to with any of the following synonymous names:

1. Statutory “non-resident non-persons” if not engaged in a public office.
2. Statutory “Nonresident Aliens” (under the Internal Revenue Code, as defined in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#)) if engaged in a public office.
3. American Citizens.
4. American Nationals.
5. Naturalized or born in a Constitutional State of the Union AND domiciled in a Constitutional state of the Union:
6. “nationals” under [8 U.S.C. §1101\(a\)\(21\)](#).

“Nationals” existed under *The Law of Nations* and international law since long before the passage of the 14<sup>th</sup> Amendment to the U.S. Constitution in 1868. There are two main types of “nationals” under federal law, as we revealed in section 4.12.12 of our *Great IRS Hoax, Form #11.302* book:

**Table 15: Types of “nationals” under federal law**

#	Legal name	Where born	Defined in	Common name	Description
1	“nationals but not citizens of the United States[**] <u>at birth</u> ”	1. American Samoa 2. Swains Island	<a href="#">8 U.S.C. §1408</a> ; <a href="#">8 U.S.C. §1101(a)(22)(B)</a> ; <a href="#">8 U.S.C. §1452(b)</a>	“U.S.** national” “Statutory U.S.* national”	The U.S. Supreme Court and the Constitution call these people “citizens of the United States”. See section 19.7 later for details. Used on the 1040NR form to describe people who file that form. Does not describe people who are not born in the federal United States.
2	“U.S.A.*** national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	states of the Union	<a href="#">8 U.S.C. §1101(a)(21)</a> ; Fourteenth Amendment, Section 1.	“state national” or “USA national” or “national of the United States*** OF AMERICA”	The “national” or “state national” is not necessarily the same as the “U.S.** national” above, because it includes people who born in states of the Union. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship by birth in the federal zone. Therefore, it also includes people born in states of the Union.

A “state national”, “national of the United States\*\*\* OF AMERICA”, or “USA national” or CONSTITUTIONAL “national” is one who derives his nationality and allegiance to the confederation of states of the Union called the “United States[\*\*\*] of America” by virtue of being born in a state of the Union. To avoid false presumption, these people should carefully avoid associating their citizenship status with the term “United States\*\*\*” or “U.S.\*\*”, which means the “federal zone” within Acts of Congress.

*“Federal zone.” The area of land over which the United States\*\* government exercises exclusive or general jurisdiction under Article 1, Section 8, Clause 17 of the Constitution. This area includes the District of Columbia*

and the territories and possessions of the United States\*\*. For the purposes of this discussion, we do not treat the territorial waters of the United States\*\* as “federal land”, but they too are under the exclusive jurisdiction of the U.S. government as well.”

Therefore, instead of calling themselves “U.S.\*\* nationals”, they call themselves either “state nationals” or “USA nationals”. By “USA” instead of “U.S.”, we mean the states of the Union who are party to the Constitution and exclude any part of the federal zone. In terms of protection of our rights, being a “state national” or a “U.S.\*\* national” are roughly equivalent. The “non-citizen national of the U.S.\*\*” status, however, has several advantages that the “state national” status does *not* enjoy, as we explained in section 4.12.12 of the Great IRS Hoax, Form #11.302 book:

1. May NOT collect any Social Security benefits, because the Social Security Program Operations Manual System (P.O.M.S.), Section [GN 00303.001](#) states that only “U.S.\*\* citizens” and “U.S.\*\* nationals” can collect benefits. State nationals are NOT “U.S.\*\* nationals”.
2. May hold a U.S. security clearance, unlike “state nationals”. See SECNAVINST 5510.30A, Appendix I, Department of the Navy.
3. May work for the federal government as a civil servant. See [5 C.F.R. §338.101](#).

## 12.2 CONSTITUTIONAL or State Citizens

The term “State Citizen” and “State National” are equivalent. For instance, if you were born in California, you would be called a “California National”. The basis for this name is found in 8 U.S.C. §1101(a)(21), which says in pertinent part:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
*Sec. 1101. - Definitions*

*(a) As used in this chapter -*

*(21) The term “national” means a person owing permanent allegiance to a state.*

A State National owes permanent allegiance to his state. If he also wants to be a U.S.\*\*\* national, then he must also have allegiance to the confederation of states called the “United States\*\*\*” under 8 U.S.C. §1101(a)(21).

*“A citizen of the United States is a citizen of the federal government and of the state in which he resided, and one possessing such double citizenship owes allegiance and is entitled to protection from each sovereign to whose jurisdiction he is subject.*

*“No fortifying authority is necessary to sustain the proposition that in the United States a double citizenship exists. A citizen[\*] of the United States is a citizen of the Federal Government and at the same time a citizen of the State in which he resides. Determination of what is qualified residence within a State is not here necessary. Suffice it to say that one possessing such double citizenship owes allegiance and is entitled to the protection from each sovereign to whose [political but not legislative] jurisdiction he is subject.”*  
*[Kitchens v. Steele, 112 F.Supp. 383 (1953)]*

We also use the terms “national” or “state national” in this book. These people are those who obtained their federal citizenship by virtue of being born in a state of the Union. “state national” is a term we invented, because there is no standard term to describe these people within the legal field. Since federal statutes cannot and do not recognize events which happen *within* sovereign states, they do not mention this status but it certainly exists, and it exists under The Law of Nations, Vattel, Book I, Section 212, which is what the founders used to write the U.S. Constitution and which is recognized in Article I, Section 8, Clause 10 of that document. The reason federal statutes do not and cannot mention the citizenship status of persons born in states of the Union is because these states are “sovereign nations” and “foreign countries” with respect to the federal government under the Law of Nations. Under the Law of Nations, the federal government does *not* have the authority delegated by the Constitution to prescribe or even define the citizenship status of people born in states of the Union. Here are some examples of cases from the Supreme Court which confirm this conclusion:

*“It has been repeatedly held by the Supreme Court of the United States, that a State may determine the status of persons within its jurisdiction: Groves v. Slaughter, 15 Pet., 419; Moore v. Illinois, 14 How., 13; 11 Pet., 131; Story Const., §§1098, 1804, 1809.”*  
*[Doc. Lonas v. State, 59 Tenn. 287 (1871)]*

1           *“The question, now agitated, depends upon another question; whether the State of Pennsylvania, since the 26<sup>th</sup>*  
2 *of March, 1790, (when the act of Congress was passed) has a right to naturalize an alien? And this must receive*  
3 *its answer from the solution of a third question; whether, according to the constitution of the United States, the*  
4 *authority to naturalize is exclusive, or concurrent? We are of opinion, then, that the States, individually, still*  
5 *enjoy a concurrent authority upon this subject; but that their individual authority cannot be exercised, so as*  
6 *to contravene the rule established by the authority of the Union.”*

7           *“The true reason for investing Congress with the power of naturalization has been assigned at the Bar;--It*  
8 *was to guard against too narrow, instead of too liberal, a mode of conferring the rights of citizenship. Thus,*  
9 *the individual States cannot exclude those citizens, who have been adopted by the United States; but they can*  
10 *adopt citizens upon easier terms, than those which Congress may deem it expedient to impose.*

11           *“But the act of Congress itself, furnishes a strong proof that the power of naturalization is concurrent. In the*  
12 *concluding proviso, it is declared, ‘that no person heretofore proscribed by any State, shall be admitted a citizen*  
13 *as aforesaid, except by an act of the Legislature of the State, in which such person was proscribed.’ Here, we*  
14 *find, that Congress has not only circumscribed the exercise of its own authority, but has recognized the authority*  
15 *of a State Legislature, in one case, to admit a citizen of the United States’ which could not be done in any case, if*  
16 *the power of naturalization, either by its own nature, or by the manner of its being vested in the Federal*  
17 *Government, was an exclusive power.”*  
18 *[Collet v. Collet, 2 U.S. 294, 1 L.Ed. 387 (1792)]*

19 State Citizens cannot be subjected in state courts to any jurisdiction of law outside the Common Law without their knowing  
20 and willing consent after full disclosure of the terms and conditions, and such consent must be under agreement/contract  
21 sealed by signature. This is because the Constitution is a compact/contract created and existing in the jurisdiction of the  
22 Common Law, therefore, any rights secured thereunder or disabilities limiting the powers of government also exist in the  
23 Common Law, and in no other jurisdiction provided for in that compact!

24 Both State Citizens and federal citizens are Americans. Statutory “U.S. citizens” described within “Acts of Congress” are  
25 “resident” in the federal zone and are privileged aliens in relation to the state of the Union wherein they reside. State statutory  
26 civil Citizens are domiciled in their state and not aliens in their state. They also do not “reside” in their state: they are instead  
27 Citizens domiciled in the state. The only people who are “residents” in regard to the Internal Revenue Code are aliens  
28 domiciled on federal territory in the state or nonresidents occupying federal enclaves (also called “federal areas”) within the  
29 state. The distinction may seem insignificant to you but it is not to the court. A state Citizen has the right to travel in each  
30 of the 50 Union states. He/she can file papers at any county courthouse in any state and become a Citizen of that state.

31 Federal statute laws do not apply to State Citizens/Nationals. If the authority for the statute can be found in the organic  
32 Constitution, then the statute is of a National character, as it applies to both state Citizens and aliens. Acts of Congress do  
33 not protect the Constitutional rights of State Citizens. Only state law serves this purpose.

34           *“With these decisions, and many others that might be cited, before us, it is vain to contend that the Federal*  
35 *Constitution secures to a citizen of the United States the right to work at a given occupation or particular calling*  
36 *free from injury, oppression, or interference by individual citizens.*

37           *“Even though such right be a natural and inalienable right, the duty of protecting the citizen in the enjoyment*  
38 *of such right, free from the individual interference, rests alone with the state.”*  
39 *[Hodges v. United States, 203 U.S. 1, 27 S.Ct. 6 (1906)]*

40 If the rights of a State Citizen are being violated directly by a federal officer or indirectly by third parties who the federal  
41 officer is in contact with, the appropriate place to litigate to protect those rights is ONLY in a state court. Federal courts are  
42 Article IV (of the Constitution) territorial and administrative courts which only have jurisdiction over the federal zone for  
43 nearly all “Acts of Congress”, and the federal zone, is not covered by the Bill of Rights. We call the “federal zone” the  
44 “plunder zone” throughout this book and state citizens have absolutely no business whatsoever going into these courts because  
45 doing so needlessly confers unfounded jurisdiction upon the court over their lives and their fortunes. We also show in Great  
46 IRS Hoax, Form #11.302, Section 6.12 that federal judges are either incompetent or malicious or both when it comes to  
47 protecting the rights of “state nationals”, so you ought to distance yourself to be as far away as possible from these tyrants,  
48 and this is especially true in regards to matters relating to federal taxation.

49 The terms “State” and “state” are not equivalent in federal statutes and nearly all “Acts of Congress”. When we capitalize  
50 the word “State”, we are referring to the “federal zone” areas within the contiguous borders of a state that are subject to the  
51 exclusive federal jurisdiction of the U.S. Government under Article 1, Section 8, Clause 17 of the U.S. Constitution. When  
52 we don’t capitalize the word “state”, we are referring to the FOREIGN contiguous areas of a state that are under the exclusive  
53 jurisdiction of a state government and not the federal government.

Whenever we describe ourselves as “citizens\*\*+D of a State” or a “citizen\*\*+D of the United States\*\*” in the context of federal statutes or “Acts of Congress”, then we declare ourselves to live in a federal territory as statutory civil “U.S. citizens” or “citizens of the [federal] United States”. That puts us in the same status as the slaves who were freed after the civil war in 1868. Do you want to be a slave? We should therefore NEVER say “I am a citizen of the State of \_\_\_\_\_” or “I am a citizen of this State.” Why? Well, because, for instance, the California Revenue and Taxation Code §6017 defines the term “State” as follows:

*California Revenue and Taxation Code*

*6017. “In this State” or “in the State” means within the exterior [outside] limits of the [Sovereign union] state of California and includes [only] all territory within these limits owned by or ceded to the United States*

Now do you understand why California has the same definition of “gross income” as the federal government and why they can impose a constitutional income tax? Because by playing with the definition of words, they have deceived you into convincing them (quite incorrectly and unnecessarily) that you are a statutory “citizen\*\*+D of the [federal] United States\*\*” (the federal zone) under the exclusive jurisdiction of Congress and consequently you are not subject to the same Constitutional protections that other Sovereign Americans enjoy! You must rebut this presumption vigorously at all times by watching the language and the words you use. They have effectively deceived and enticed you into the “federal zone” so they could abuse and enslave you with the income tax. This amounts to “enticement into slavery”, which clearly violates [18 U.S.C. §1581](#) and [14 U.S.C. §1994](#) and is a felony!

Instead, we should always use the name of the state in our description as follows: “I am a national of California” or “I am a Citizen of the California Republic”. The word “Citizen” should always be capitalized to emphasize that we are a “Sovereign state citizen/national”, and the word “State” should not appear in the name to avoid ambiguity.

You will find out in [Great IRS Hoax](#), Form #11.302, Section 5.2.16 that the states of the Union are considered to be “foreign countries” and “foreign nations” and “foreign states” with respect to the federal government.

*“New states, upon their admission into the Union, become invested with equal rights and are subject only to such restrictions as are imposed upon the states already admitted. There can be no state of the Union whose sovereignty or freedom of action is in any respect different from that of any other state. There can be no restriction upon any state other than one prescribed upon all the states by the Federal Constitution. Congress, in admitting a state, cannot restrict such state by bargain. The state, by so contracting with Congress, is in no way bound by such a contract, however irrevocable it is stated to be. It is said that subject to the restraint and limitations of the Federal Constitution, the states have all the sovereign powers of independent nations over all persons and things within their respective territorial limits.”*

*[16 American Jurisprudence 2d, Sovereignty of states §281 (1999)]*

Because the 50 Union states are technically “nations” and “foreign states”, then people who are “state nationals” and who are not statutory “nationals and citizens at birth” under 8 U.S.C. §1401:

1. Are “nationals of California”, or simply “nationals”, for instance, and **not** “U.S. citizens” on their application for a U.S. passport. Several of our readers have obtained U.S. passports by claiming to be, for instance, “CALIFORNIA NATIONAL” in block 16 of their DOS DS-011 Passport Application.
2. Can correctly claim that they are:
  - 2.1. A “non-resident non-persons when they file their federal income tax return if they do not live in a federal enclave within their state and do not lawfully occupy a public office. Money they earn within their state as a nonresident will also not be under the jurisdiction of the Internal Revenue Code and need not be entered on their tax return.
  - 2.2. A “nonresident alien” in the context of their official public duties only.
  - 2.3. Nonresidents of the “United States\*\*” as defined in [26 U.S.C. §7701\(a\)\(9\)](#).
3. Are not subject to most federal laws or any of the criminal laws in [Title 18](#) of the U.S. Code unless they are physically on federal property, which most people seldom are.
4. If they sue or convict a federal employee for wrongdoing or the federal government tries to convict them under federal law, they can file their claim under “diversity of citizenship”, [28 U.S.C. §1332\(a\)\(2\)](#) in the federal court as “citizens of a foreign state”.
5. May not declare themselves on any federal government form to be “U.S. citizens” because they were not born in the federal “United States\*\*” (federal zone) as required by [8 U.S.C. §1401](#).
6. May declare themselves to be “nationals” or “nationals of the United States\*\*” under the common law as described in Perkins v. Elg, 307 U.S. 325 (1939). However, they would not be:



6.1. “non-citizen nationals of the United States\*\* at birth” under 8 U.S.C. §1408.

6.2. “U.S.[\*\*] non-citizen nationals” under 8 U.S.C. §1452. All of these people are born in federal possessions such as American Samoa and Swains Island.

7. May vote in any election that requires them to be “U.S. citizens” in order to vote, which is the case in most states. They must clarify the meaning of “U.S. citizen” on their voter application form to prevent false assumptions about their citizenship when they register.
8. May not collect any Social Security benefits, because the Social Security Program Operations Manual (POM) section [GN 00303.001](#) states that only “U.S. citizens” and “U.S. nationals” can collect benefits.
9. May not hold a U.S. security clearance unless they become either a “U.S. citizen” or “U.S. national” under federal statutes.

Now a little history. Before the second world war, some states of the Union issued their own passports to their citizens for foreign travel. That’s right, you didn’t need a U.S. passport because each state was the equivalent of an independent nation. The states still have this status, but they act like they don’t and delegate the passport function to the federal government. Our public servants in the federal government are abusing this power to create a presumption that the applicant is a “U.S. citizen” so they can illegally obtain jurisdiction over the applicant and subject them to the Internal Revenue Code and other federal statutes. Most states even require persons who wish to vote in federal elections to be “U.S. citizens\*”. Such unethical tactics on the part of the states are what we call “cooperative federalism”, where the states help the federal government to “poach” sheep in the states and put them primarily under federal jurisdiction as “U.S. citizens” in a conspiracy against rights that is a federal crime under [18 U.S.C. §241](#).

If you don’t want to collect Socialist Security Benefits nor serve in the military nor hold a U.S. government security clearance, then citizenship as a statutory “national” pursuant to 8 U.S.C. §1101(a)(21) and a “non-resident non-person” is the *best* type of citizenship that provides the best protection for your liberties and complete immunity from both state and federal income taxes in most cases. The statutory “national” and “non-resident non-person” status avoids all the disadvantages of statutory “U.S.\*\* citizen” status, including:

1. Not a “U.S.\*\* citizen\*\*+D” under federal statutes or “Acts of Congress”. The Internal Revenue Code is an “act of Congress”.
2. Not “subject to the laws” or “under the laws” of the United States or the jurisdiction of the corrupt and covetous federal courts except when on federal property.
3. Can hold a U.S. government security clearance.
4. Can collect Socialist Security benefits.
5. Can vote in states that don’t require you to be a statutory “U.S.\*\* citizen” under “Acts of Congress”.

“state nationals” are synonymously described with any of the terms below:

1. Constitutional but not Statutory citizens.
2. Natural Born Citizens
3. Natural Born Sovereigns
4. CONSTITUTIONAL but not STATUTORY “nationals of the United States[\*\*\*]”
5. State nationals
6. American Citizens
7. American Nationals
8. Nonresident Aliens (under the Internal Revenue Code, as defined in 26 U.S.C. §7701(b)(1)(B)), but only if serving in a public office in the national government.
9. “non-resident non-persons” if not serving in a public office.

We will now analyze the legal foundations for state national status:

1. The term “United States” has 3 separate and distinct meanings in American Law (see *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945)):
  - 1.1. The name of the sovereign nation, occupying the position of other sovereigns in the family of nations
  - 1.2. The federal government and the limited territory over which it exercises exclusive sovereign authority
    - 1.2.1. To be a federal citizen is to be a “citizen\* of the United States\*” in this second sense of the term
  - 1.3. The collective name for the States united by and under the Constitution for the United States of America

1.3.1. To be a Natural Born state Citizen is to be a "Citizen of the United States" in this third sense of the term (i.e. a "Citizen of one of the States United")

2. One can be a State National without also being a STATUTORY civil "U.S.\*\* citizen\*\*+D".

2.1. See *Crosse* case from Maryland Supreme Court:

*"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state."*  
[*Crosse v. Board of Elections*, 221 A.2d. 431 at 433 (1966)]

2.2. See *State v. Fowler* case from Louisiana Supreme Court:

*"But a person may be a citizen of a particular state and not a citizen of the United States. To hold otherwise would be to deny to the state the highest exercise of its sovereignty -- the right to declare who are its citizens."*  
[*State v. Fowler*, 41 La. Ann. 380, 6 S. 602 (1889)]

2.3. See *United States v. Cruikshank*, 92 U.S. 542 (1875) for U.S. Supreme Court view:

*"We have in our political system a Government of the United States and a government of each of the several States. Each of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. Slaughter-House Cases, 16 Wall. 74. ...."*  
[*United States v. Cruikshank*, 92 U.S. 542 (1875)]

3. "U.S.\*\* citizens\*\*+D" under federal statutes and "Acts of Congress" are the object of Subtitle A federal income taxes under section 1 of the IRC; "state nationals" or "nationals" or "state nationals are not. The Internal Revenue Code is an "act of Congress".

3.1. State Nationals are protected by constitutional limits against direct taxation by the federal government:

3.1.1. Article 1, Section 2, Clause 3

3.1.2. Article 1, Section 9, Clause 4

3.2. "U.S. citizens" under "Acts of Congress" are not protected by these same constitutional limits

3.2.1. Constitution for the "United States" as such does not extend beyond the boundaries of the States which are united by and under it.

3.2.1.1. The Insular Cases established this dubious precedent at the turn of the century

3.2.2. A "citizen of the United States" under "Acts of Congress" is, effectively, a citizen of the District of Columbia, which never joined the Union

3.2.3. Congress can enact local, "municipal" law for D.C. which is not constrained by the federal Constitution.

See *Downes v. Bidwell*, 182 U.S. 244 (1901) for further information.

### 12.3 An example state national: Perkins v. Elg, 307 U.S. 325 (1939)

As we say throughout this document the CONTEXT of geographical terms is EXTREMELY IMPORTANT. There are two mutually exclusive and non-overlapping CIVIL contexts: 1. CONSTITUTIONAL; 2. STATUTORY. Up to this point, we have only discussed the STATUTORY context for the term "national", but this is NOT the only context. There is also a "CONSTITUTIONAL" context for the term "national". This context appears mainly under the common law and is found exclusively in federal common law. You can find it by searching court cases for the phrase "national of the United States" in which they are NOT citing Title 8 of the U.S. Code and referring to people born in a state of the Union. The following is an example of such a context:

*"Miss Elg was born in Brooklyn, New York, on October 2, 1907. [a STATE of the UNION, not federal territory] Her parents, who were natives of Sweden, emigrated to the United States sometime prior to 1906 and her father was naturalized here in that year. In 1911, her mother took her to Sweden where she continued to reside until September 7, 1929. Her father went to Sweden in 1922 and has not since returned to the United States. In November, 1934, he made a statement before an American consul in Sweden that he had voluntarily expatriated himself for the reason that he did not desire to retain the status of an American citizen and wished to preserve his allegiance to Sweden.*

[...]

On her birth in New York, the plaintiff became a citizen of the United States. Civil Rights Act of 1866, 329\*329 14 Stat. 27; Fourteenth Amendment, § 1 [CONSTITUTIONAL right]; United States v. Wong Kim Ark, 169 U.S.

649. In a comprehensive review of the principles and authorities governing the decision in that case — that a child born here of alien parentage becomes a citizen of the United States — the Court adverted to the "inherent right of every independent nation to determine for itself, and according to its own constitution and laws, what classes of persons shall be entitled to its citizenship." United States v. Wong Kim Ark, supra, p. 668. As municipal law determines how citizenship may be acquired, it follows that persons may have a dual nationality.<sup>121</sup> And the mere fact that the plaintiff may have acquired Swedish citizenship by virtue of the operation of Swedish law, on the resumption of that citizenship by her parents, does not compel the conclusion that she has lost her own citizenship acquired under our law. As at birth she became a citizen of the United States, that citizenship must be deemed to continue unless she has been deprived of it through the operation of a treaty or congressional enactment or by her voluntary action in conformity with applicable legal principles.

Second. It has long been a recognized principle in this country that if a child born here is taken during minority to the country of his parents' origin, where his parents resume their former allegiance, he does not thereby lose his citizenship in the United States provided that on attaining majority he elects to retain that citizenship and to return to the United States to assume its duties.<sup>122</sup>

[ . . . ]

"Their rights rest on the organic law of the United States [meaning the CONSTITUTION]. . . "

[ . . . ]

"This right so to elect to return to the land of his birth and assume his American citizenship could not, with the acquiescence of this Government, be impaired or interfered with.[it is a RIGHT, not a REVOCABLE STATUTORY PRIVILEGE]"

[ . . . ]

We have quoted liberally from these rulings — and many others might be cited — in view of the contention now urged by the petitioners in resisting Miss Elg's claim to citizenship. We think that they leave no doubt of the controlling principle long recognized by this Government. 334\*334 That principle, while administratively applied, cannot properly be regarded as a departmental creation independently of the law. It was deemed to be a necessary consequence of the constitutional provision by which persons born within the United States and subject to its jurisdiction become citizens of the United States. To cause a loss of that citizenship in the absence of treaty or statute having that effect, there must be voluntary action and such action cannot be attributed to an infant whose removal to another country is beyond his control and who during minority is incapable of a binding choice.

[ . . . ]

"The term 'dual nationality' needs exact appreciation. It refers to the fact that two States make equal claim to the allegiance of an individual at the same time. Thus, one State may claim his allegiance because of his birth within its territory, and the other because at the time of his birth in foreign territory his parents were its nationals. The laws of the United States purport to clothe persons with American citizenship by virtue of both principles."

And after referring to the Fourteenth Amendment and the Act of February 2, 1855, R.S. 1993, the instructions continued:

345\*345 "It thus becomes important to note how far these differing claims of American nationality are fairly operative with respect to persons living abroad, whether they were born abroad or were born in the United States of alien parents and taken during minority to reside in the territory of States to which the parents owed allegiance. It is logical that, while the child remains or resides in territory of the foreign State claiming him as a national, the United States should respect its claim to allegiance. The important point to observe is that the doctrine of dual allegiance ceases, in American contemplation, to be fully applicable after the child has reached adult years. Thereafter two States may in fact claim him as a national. Those claims are not, however, regarded as of equal merit, because one of the States may then justly assert that his relationship to itself as a national is, by reason of circumstances that have arisen, inconsistent with, and reasonably superior to, any claim of allegiance asserted by any other State. Ordinarily the State in which the individual retains his residence after attaining his majority has the superior claim. The statutory law of the United States affords some guidance but not all that could be desired, because it fails to announce the circumstances when the child who resides abroad within the territory of a State reasonably claiming his allegiance forfeits completely the right to perfect his inchoate right to retain American citizenship. The department must, therefore, be reluctant to declare that particular conduct on the part of a person after reaching adult years in foreign territory produces a forfeiture or something equivalent to expatriation.

"The statute does, however, make a distinction between the burden imposed upon the person born in the United States of foreign parents and the person born abroad of American parents. With respect to the latter, section 6 of the Act of March 2, 1907, lays down the requirement 346\*346 that, as a condition to the protection of the United

States, the individual must, upon reaching the age of 18, record at an American consulate an intention to remain a citizen of the United States, and must also take an oath of allegiance to the United States upon attaining his majority.

[...]

We conclude that respondent has not lost her citizenship in the United States and is entitled to all the rights and privileges of that citizenship.  
[Perkins v. Elg, 307 U.S. 325 (1939)]

Note some important facts about the above ruling:

1. Elg was born in a Constitutional state of the Union. Brooklyn, New York, to be precise.

"Miss Elg was born in Brooklyn, New York, on October 2, 1907. [a STATE of the UNION, not federal territory]"  
[Perkins v. Elg, 307 U.S. 325 (1939)]

2. By being born in a CONSTITUTIONAL state of the Union, Elg derived her citizenship from the Fourteenth Amendment, Section 1.

"On her birth in New York, the plaintiff became a citizen of the United States. Civil Rights Act of 1866, 329\*329 14 Stat. 27; Fourteenth Amendment, § 1 [CONSTITUTIONAL right]; United States v. Wong Kim Ark, 169 U.S. 649."  
[Perkins v. Elg, 307 U.S. 325 (1939)]

3. The POLITICAL citizenship derived from the Fourteenth Amendment was a RIGHT, and not a revocable statutory PRIVILEGE. It could not be unilaterally taken away by the government without the consent of Elg.

"We think that they leave no doubt of the controlling principle long recognized by this Government. 334\*334 That principle, while administratively applied, cannot properly be regarded as a departmental creation independently of the law. It was deemed to be a necessary consequence of the constitutional provision by which persons born within the United States and subject to its jurisdiction become citizens of the United States. To cause a loss of that citizenship in the absence of treaty or statute having that effect, there must be voluntary action and such action cannot be attributed to an infant whose removal to another country is beyond his control and who during minority is incapable of a binding choice."  
[Perkins v. Elg, 307 U.S. 325 (1939)]

4. The court refers to Elg as a "national" by virtue of the allegiance she MUST have in order to be a Fourteenth Amendment "citizen of the United States".

"Thereafter two States may in fact claim him as a national. Those claims are not, however, regarded as of equal merit, because one of the States may then justly assert that his relationship to itself as a national is, by reason of circumstances that have arisen, inconsistent with, and reasonably superior to, any claim of allegiance asserted by any other State. Ordinarily the State in which the individual retains his residence after attaining his majority has the superior claim."  
[Perkins v. Elg, 307 U.S. 325 (1939)]

5. The term "national" as used by the court is a POLITICAL status, not a CIVIL or STATUTORY status. It exists INDEPENDENT of geography and INDEPENDENT of domicile or residence. You can have allegiance to a specific State INDEPENDENT of the place you physically are at the time. Being a STATUTORY "citizen", however, is GEOGRAPHICAL, because the court identifies it as a product NOT of the CONSTITUTION, but of MUNICIPAL LAW, meaning STATUTES.

"As municipal law determines how citizenship may be acquired, it follows that persons may have a dual nationality."<sup>[1]</sup>  
[Perkins v. Elg, 307 U.S. 325 (1939)]

FOOTNOTE:

[1] Oppenheim's International Law, Vol. 1, § 308; Moore, International Law Digest, Vol. III, p. 518; Hyde, International Law, Vol. I, § 372; Flournoy, Dual Nationality and Election, 30 Yale Law Journal, 546; Borchard,

Diplomatic Protection of Citizens Abroad, § 253; Van Dyne, *Citizenship of the United States*, p. 25; Fenwick, *International Law*, p. 165.  
[*Perkins v. Elg*, 307 U.S. 325 (1939)]

6. The term “citizen of the United States” refers to her POLITICAL status at the time of birth, and NOT to her CURRENT CIVIL status under federal statutes. All CIVIL statuses under any civil STATUTES of the U.S. Code have domicile on federal territory as a prerequisite. Those not domiciled on federal territory, for instance, cannot have the CIVIL or STATUTORY status of “citizen” under the Internal Revenue Code unless they are domiciled on federal territory not within the exclusive jurisdiction of any state.<sup>72</sup> This is confirmed by both Federal Rule of Civil Procedure 17(b) and the following holding of the U.S. Supreme Court on the subject.

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

7. The court DID NOT use 8 U.S.C. §1101(a)(22) (“national of the United States”) in referring to her because it would have been incorrect. Statutes conferring any kind of citizenship status, INCLUDING all of Title 8, for that matter, are ONLY necessary for territorial citizens. The STATUTORY “United States\*\*” does not include states of the Union for the purposes of Title 8:

**“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause [of the Fourteenth Amendment] guaranteed birthright citizenship in unincorporated territories, these statutes [meaning ALL of Title 8 of the U.S. Code!] would have been unnecessary.”**  
[*Tuaua v. U.S.A.*, 951 F.Supp.2d. 88 (2013)]

8. Courts historically try to avoid admitting the conclusion of the previous step as in the following case, because it blows up their whole IDENTITY THEFT BY PRESUMPTION SCAM:

*The Government appears to advance the position, adopted by the Ninth Circuit, that the term "national" refers only to United States citizens and inhabitants of U.S. territories "not ... given full political equality with citizens", a designation now only applicable to residents of American Samoa and Swains Island. See Perdomo-Padilla v. Ashcroft, 333 F.3d. 964 (9th Cir. 2003). By contrast, Alwan argues in his brief that a person may demonstrate "permanent allegiance to the United States", and thus attain national status, by applying for citizenship and "compl[e]menting said application with objective demonstrations of allegiance." See Lee v. Ashcroft, 216 F.Supp.2d. 51 (E.D.N.Y.2002).*

**Because Alwan's claim of national status fails under either standard, we decline to decide here which definition of "national" is correct.** We therefore assume, arguendo, that an alien may attain national status through sufficient objective demonstrations of allegiance to the United States. Alwan claims that he has objectively demonstrated his allegiance by (1) applying for derivative citizenship on his parents' applications for naturalization; (2) registering with the Selective Service; and (3) taking an oath of allegiance during a 1995 interview with an INS officer.

<sup>72</sup> For further details on the relationship between civil domicile and civil statutory “status”, see section 3.2 earlier or *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002, Section 11.17; <https://sedm.org/Forms/FormIndex.htm>.



9. Because statutes didn't apply to Elg, that's why they didn't invoke any. Hence, the status of "national" they imputed to her was a matter of federal common law, and NOT statutes. A COMMON LAW "state national" is one who isn't mentioned anywhere in Title 8 and is born or naturalized in a CONSTITUTIONAL state rather than on federal territory. Their citizenship derives from the CONSTITUTION and not any statute, just like Elg.

Elg was therefore a CONSTITUTIONAL political citizen\* AT THE TIME OF BIRTH but not a STATUTORY "citizen\* of the United States\*\*" under Title 8 of the U.S. Code, Sections 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A). She was not a STATUTORY citizen under any title of the U.S. Code because she was not domiciled on federal territory at the time of becoming party to the suit. She ALSO would not be a "citizen\* of the United States\*\*" mentioned in 8 U.S.C. §1101(a)(22)(A) UNLESS all geographical terms in 8 U.S.C. §1101(a)(22) are interpreted ONLY in in the CONSTITUTIONAL and not STATUTORY context.

Title 8 › Chapter 12 › Subchapter I › § 1101  
8 U.S. Code § 1101 - Definitions

(22) The term "national of the United States" means

(A) a citizen of the United States, or

(B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

You can't and shouldn't mix the CONSTITUTIONAL and STATUTORY meanings together in interpreting the above or you will in effect make the party you are doing so against a victim of identity theft. The Separation of Powers Doctrine DEMANDS this.

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

To avoid confusing the CONSTITUTIONAL and STATUTORY contexts, it is easier to say that you as a state national are a CONSTITUTIONAL "national" and NOT the "national of the United States\*\*" mentioned in 8 U.S.C. §1101(a)(22).

Elg as a human being was a State National by virtue of being born in a CONSTITUTIONAL state. She was not a statutory "citizen" under any act of Congress because she was not domiciled on federal territory and instead was domiciled in a Constitutional but not Statutory State of the Union.

#### **12.4 Why Congress can't define the CIVIL STATUTORY status of those born within constitutional states of the Union**

There is a good reason why there is no federal statute anywhere that directly prescribes the citizenship status of persons based on birth within states of the Union. The reasons are because lawyers in Congress:

1. Know that this is the criteria that most Americans born inside states of the Union will meet.
2. Know that one's CIVIL status derives from their DOMICILE and not their NATIONALITY. NATIONALITY is a POLITICAL status. CIVIL OR STATUTORY status is a LEGAL status and NOT a political status. Hence, those not domiciled on federal territory cannot have a CIVIL or STATUTORY status under federal law.

*In Udny v. Udny (1869) L.R., 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: 'The question of naturalization and of allegiance is distinct from that of domicile.' Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: 'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions,—one by virtue of which he becomes the subject [NATIONAL] of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status.' And then, while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which*

*'the personal rights of the party—that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy—must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,—that is, natural allegiance,'—may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects.*

[United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898) ;  
SOURCE: [http://scholar.google.com/scholar\\_case?case=3381955771263111765](http://scholar.google.com/scholar_case?case=3381955771263111765)]

3. Know that these people are “sovereign”. Even the U.S. Supreme Court said so:

*“The words 'people of the United States[\*\*\*]' and 'citizens,' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct [run] the government through their representatives [servants]. They are what we familiarly call the 'sovereign people,' and every citizen is one of this people, and a constituent member of this sovereignty. ...”*

[Boyd v. State of Nebraska, [143 U.S. 135](#) (1892)]

4. Know that a “sovereign” is not and cannot be the subject of any law, and therefore cannot be mentioned in the law.

*“...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty.”*

[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 454, 1 L.Ed. 440, 455 (1793)]

*“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.”*

[Yick Wo v. Hopkins, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

*“In common usage, the term 'person' does not include the sovereign, and statutes employing the word are ordinarily construed to exclude it.”*

[Wilson v. Omaha Indian Tribe, [442 U.S. 653](#), 667 (1979)]

*“Since in common usage the term 'person' does not include the sovereign, statutes employing that term are ordinarily construed to exclude it.”*

[U.S. v. Cooper, [312 U.S. 600](#), 604, 61 S.Ct. 742 (1941)]

*“In common usage, the term 'person' does not include the sovereign and statutes employing it will ordinarily not be construed to do so.”*

[U.S. v. United Mine Workers of America, [330 U.S. 258](#), 67 S.Ct. 677 (1947)]

5. Know that they cannot write a federal statute or act of Congress that prescribes any criteria for becoming a “national” based on birth and perpetual residence outside of federal legislative jurisdiction and within a state of the Union. That is why the circuit court held the following with respect to “U.S. nationals”:

*“Marquez-Almanzar seeks to avoid removal by arguing that he can demonstrate that he owes “permanent allegiance” to the United States and thus qualify as a U.S. national under section 101(a)(22)(B) of the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101(a)(22)(B). That provision defines “national of the United States” as “a person who, though not a citizen of the United States, owes permanent allegiance to the United States.” **We hold that § 1101(a)(22)(B) itself does not provide a means by which an individual can become a U.S. national, and deny Marquez-Almanzar’s petition accordingly.**”*

[Jose Napoleon Marquez-Almanzar v. Immigration and Naturalization Service, Docket # 03-4395, 03-40027, 03-40497, August 8, 2005, <http://famguardian.org/TaxFreedom/CitesByTopic/USNational-034395p.pdf>]

6. Want to deceive most Americans to falsely believe or presume that they are “U.S. citizens” who are “subject to” federal statutes and jurisdiction, so they interfere in the determination of their true status as “nationals” and “state nationals”.

## **12.5 State citizens are NOT POLITICAL “non-citizen nationals of the United States\*\* at birth” per 8 U.S.C. §1408**

A frequent point of confusion when a state citizen calls themselves a “national” under 8 U.S.C. §1101(a)(21) but not CIVIL citizen\*\*+D is to try to summarize their status by saying that they are an 8 U.S.C. §1101(a)(22)(B) “person who, though not a citizen of the United States, owes permanent allegiance to the United States”. This is INCORRECT because they derive

their “nationality” and “national” status from the Fourteenth Amendment, which is nowhere mentioned as a source of citizenship in Title 8 of the U.S. Code. The case below does not contradict this assertion because 22 C.F.R. §51.2 says that those who are issued passports are “nationals of the United States[\*]”:

22 U.S.C. §212

*No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States*

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**Title 22: Foreign Relations**

**PART 51—PASSPORTS**

**Subpart A—General**

**§51.2 Passport issued to nationals only.**

(a) A United States passport shall be issued only to a national of the United States (22 U.S.C. 212).

(b) *Unless authorized by the Department no person shall bear more than one valid or potentially valid U.S. passport at any one time.*

[SD–165, 46 FR 2343, Jan. 9, 1981]

The case below does not contradict this assertion because the party who claimed 8 U.S.C. §1101(a)(22)(B) status was not born or naturalized in the United States\*\* and therefore retained his alien status and could not be a “national of the United States\*\*\*” under 8 U.S.C. §1101(a)(22):

***B. Merits***

*Marquez-Almanzar argues that he is not an alien and thus cannot be removed from the United States for his crimes. See 8 U.S.C. §1227(a)(2)(B)(i) (any “alien” convicted of controlled substance offense after admission to United States is deportable); 8 U.S.C. § 1227(a)(2)(A)(iii) (any “alien” convicted of aggravated felony after admission to United States is deportable). The term “alien” is defined in this context as “any person not a citizen or national of the United States.” 8 U.S.C. § 1101(a)(3). Marquez-Almanzar acknowledges that he is not a U.S. citizen, but he claims to be a national of the United States. The term “national of the United States” means either “a citizen of the United States” or “a person who, though not a citizen of the United States, owes permanent allegiance to the United States.” 8 U.S.C. §§1101(a) (22)(A) & (B).*

*Marquez-Almanzar claims that, although he is not a citizen, he “owes permanent allegiance to the United States,” and thus has acquired U.S. nationality under 8 U.S.C. §1101(a)(22)(B). The statute, as he reads it, creates an independent avenue to U.S. national status: one can become a U.S. national without citizenship (i.e., a “non-citizen national”) solely by manifesting permanent allegiance to the United States. He asserts that his enrollment and service in the U.S. Army (which required that he swear allegiance to the U.S. Constitution), his application for naturalization (which required that he swear he was willing to take an oath of allegiance to the United States), his registration for the Selective Service, his “complete immersion in American Society,” and his lack of ties to the Dominican Republic together demonstrate that he owes permanent allegiance to the United States.”<sup>8</sup>*

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*We have previously indicated that Marquez-Almanzar’s construction of § 1101(a)(22)(B) is erroneous, but have not addressed the issue at length. In *Oliver v. INS*, 517 F.2d 426, 427 (2d Cir.1975) (per curiam), the petitioner, as a defense to deportation, argued that she qualified as a U.S. national under § 1101(a)(22) (B) because she had resided exclusively in the United States for twenty years, and thus “owe[d] allegiance” to the United States. Without extensively analyzing the statute, we found that the petitioner could not be “a ‘national’ as that term is understood in our law.” *Id.* We pointed out that the petitioner still owed allegiance to Canada (her country of birth and citizenship) because she had not taken the U.S. naturalization oath, to “renounce and abjure absolutely and entirely all allegiance and fidelity to any [foreign state of] ... which the petitioner was before a subject or citizen.” *Id.* at 428 (quoting INA §337(a)(2), 8 U.S.C. § 1448(a)(2)). In making this observation, we did not suggest that the petitioner in *Oliver* could have qualified as a U.S. national by affirmatively renouncing her allegiance to Canada or otherwise swearing “permanent allegiance” to the United States. **In fact, in the following sentence we said that Title III, Chapter 1 of the INA<sup>9</sup> “indicates that, with a few exceptions not here pertinent, one can satisfy [8 U.S.C. §1101(a)(22)(B)] only at birth; thereafter the road lies through naturalization, which leads to becoming a citizen and not merely a ‘national.’”<sup>10</sup> Id. at 428.***

*Our conclusion in *Oliver*, which we now reaffirm, is consistent with the clear meaning of 8 U.S.C. §1101(a)(22)(B), read in the context of the general statutory scheme. **The provision is a subsection of 8 U.S.C.***

§1101(a). Section 1101(a) defines various terms as they are used in our immigration and nationality laws, U.S.Code tit. 8, ch. 12, codified at 8 U.S.C. §§1101-1537. The subsection's placement indicates that it was designed to describe the attributes of a person who has already been deemed a non-citizen national elsewhere in Chapter 12 of the U.S.Code, rather than to establish a means by which one may obtain that status. For example, 8 U.S.C. §1408, the only statute in Chapter 12 expressly conferring "non-citizen national" status on anyone, describes four categories of persons who are "nationals, but not citizens, of the United States at birth." All of these categories concern persons who were either born in an "outlying possession" of the United States, see 8 U.S.C. §1408(1), or "found" in an "outlying possession" at a young age, see id. § 1408(3), or who are the children of non-citizen nationals, see id. §§ 1408(2) & (4).<sup>11</sup> Thus, § 1408 establishes a category of persons who qualify as non-citizen nationals; those who qualify, in turn, are described by § 1101(a)(22)(B) as owing "permanent allegiance" to the United States. In this context the term "permanent allegiance" merely describes the nature of the relationship between non-citizen nationals and the United States, a relationship that has already been created by another statutory provision. See *Barber v. Gonzales*, 347 U.S. 637, 639, 74 S.Ct. 822, 98 L.Ed. 1009 (1954) ("It is conceded that respondent was born a national of the United States;

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that as such he owed permanent allegiance to the United States...."); cf. Philippines Independence Act of 1934, § 2(a)(1), Pub.L. No. 73-127, 48 Stat. 456 (requiring the Philippines to establish a constitution providing that "pending the final and complete withdrawal of the sovereignty of the United States,[...] all citizens of the Philippine Islands shall owe allegiance to the United States").

Other parts of Chapter 12 indicate, as well, that § 1101(a)(22) (B) describes, rather than confers, U.S. nationality. The provision immediately following § 1101(a)(22) defines "naturalization" as "the conferring of nationality of a state upon a person after birth, by any means whatsoever." 8 U.S.C. § 1101(a)(23). If Marquez-Almanzar were correct, therefore, one would expect to find "naturalization by a demonstration of permanent allegiance" in that part of the U.S.Code entitled "Nationality Through Naturalization," see INA tit. 8, ch. 12, subch. III, pt. II, codified at 8 U.S.C. §§1421-58. Yet nowhere in this elaborate set of naturalization requirements (which contemplate the filing by the petitioner, and adjudication by the Attorney General, of an application for naturalization, see, e.g., 8 U.S.C. §§1427, 1429), did Congress even remotely indicate that a demonstration of "permanent allegiance" alone would allow, much less require, the Attorney General to confer U.S. national status on an individual.

Finally, the interpretation of the statute underlying our decision in *Oliver* comports with the historical meaning of the term "national" as it is used in Chapter 12. The term (which as §§ 1101(a)(22)(B) and 1408 indicate, includes, but is broader than, "citizen") was originally intended to account for the inhabitants of certain territories-territories said to "belong to the United States," including the territories acquired from Spain during the Spanish-American War, namely the Philippines, Guam, and Puerto Rico in the early twentieth century, who were not granted U.S. citizenship, yet were deemed to owe "permanent allegiance" to the United States and recognized as members of the national community in a way that distinguished them from aliens. See 7 Charles Gordon et al., *Immigration Law and Procedure*, §91.01[3][b] (2005); see also *Rabang v. Boyd*, 353 U.S. 427, 429-30, 77 S.Ct. 985, 1 L.Ed.2d. 956 (1957) ("The Filipinos, as nationals, owed an obligation of permanent allegiance to this country. . . . In the [Philippine Independence Act of 1934], the Congress granted full and complete independence to [the Philippines], and necessarily severed the obligation of permanent allegiance owed by Filipinos who were nationals of the United States."). The term "non-citizen national" developed within a specific historical context and denotes a particular legal status. The phrase "owes permanent allegiance" in § 1101(a)(22)(B) is thus a term of art that denotes a legal status for which individuals have never been able to qualify by demonstrating permanent allegiance, as that phrase is colloquially understood.<sup>12</sup>

We hold, therefore, that one cannot qualify as a U.S. national under 8 U.S.C. §1101(a)(22)(B) by a manifestation of

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"permanent allegiance" to the United States. As we said in *Oliver*, the road to U.S. nationality runs through provisions detailed elsewhere in the Code, see 8 U.S.C. §§1401-58, and those provisions indicate that the only "non-citizen nationals" currently recognized by our law are persons deemed to be so under 8 U.S.C. §1408. Our holding is consistent with the BIA's own interpretation of the statute, see *In re Navas-Acosta*, Interim Dec. (BIA) 3489, 23 I. & N. Dec. 586, 2003 WL 1986475 (BIA 2003), and the decisions of other circuits, see *Sebastian-Soler v. U.S. Att'y Gen.*, 409 F.3d. 1280, 1285 (11th Cir.2005); *United States v. Jimenez-Alcala*, 353 F.3d. 858, 861-62 (10th Cir.2003); *Perdomo-Padilla v. Ashcroft*, 333 F.3d. 964, 966-67 (9th Cir.2003), cert. denied 540 U.S. 1104, 124 S.Ct. 1041, 157 L.Ed.2d. 887 (2004). To the extent that *United States v. Morin*, 80 F.3d. 124 (4th Cir.1996) applies in this context, we disagree with the reasoning of that court.<sup>13</sup>

It follows from our holding that Marquez-Almanzar is not a U.S. national, but rather an alien subject to removal under 8 U.S.C. §§1227(a)(2)(A)(iii) and (B)(i).

[Jose Napoleon MARQUEZ-ALMANZAR, Petitioner v. IMMIGRATION AND NATURALIZATION SERVICE, Respondent, 418 F.3d. 210 (2005)]

Based on the above case, 22 C.F.R. §51.2, and 22 U.S.C. §212 we conclude that:

1. 8 U.S.C. §1408 “non-citizen\* national of the United States[\*\*] at birth” is a SUBSET of 8 U.S.C. §1101(a)(22)(B) status.
2. 8 U.S.C. §1101(a)(22)(B) status:
  - 2.1. Is called “person who, though not a citizen[\*] of the United States[\*\*], owes permanent allegiance to the United States[\*\*]” and NOWHERE is referred to as a “non-citizen national” as described in 8 U.S.C. §1408. The court merely PRESUMED that they were equivalent, but they are NOT or they would have been given the same name.
  - 2.2. Includes 8 U.S.C. §1408 “non-citizen[\*] nationals of the United States\*\*\*” born in possessions such as American Samoa and Swains Island.
  - 2.3. Does NOT include state nationals who acquired their CONSTITUTIONAL or Fourteenth Amendment citizenship through birth in a CONSTITUTIONAL state of the Union.
3. 8 U.S.C. §1408 STATUTORY “non-citizen national of the United States\*\* at birth” or “U.S.\*\* national” status can only be acquired by birth and not naturalization.
4. 8 U.S.C. §1408 STATUTORY “non-citizen national of the United States[\*\*] at birth” or “U.S.\*\* national” status can NOT be acquired merely by the taking of an oath or renunciation of a previous oath.
5. The place of birth to earn STATUTORY “non-citizen national of the United States\*\* at birth” status under 8 U.S.C. §1408 or “non-citizen[\*] national of the United States[\*\*]” status under 8 U.S.C. §1101(a)(22)(B) must be a U.S. possession and NOT a CONSTITUTIONAL state of the Union. The only remaining U.S. possessions are American Samoa and Swains Island.
6. One can earn “national” status as a state citizen under both the Fourteenth Amendment AND 8 U.S.C. §1101(a)(21) by birth within a constitutional state. No statute is needed or required under Title 8 of the U.S. Code. Title 8, in fact, primarily deals with those born in federal territories or possessions, in fact. Only the following sections deal with states of the Union also:
  - 6.1. 8 U.S.C. §1421: Naturalization. One cannot become an 8 U.S.C. §1401 STATUTORY citizen by naturalization. Birth is the only vehicle. Naturalization only applies to state citizenship.
  - 6.2. 8 U.S.C. §1481: Expatriation.
7. The best way to describe yourself if you are a state national, in order not to be discredited with the above case is to say you:
  - 7.1. Are a “national” per 8 U.S.C. §1101(a)(21). “state” is in lower case because it is legislatively/statutorily foreign but not CONSTITUTIONALLY foreign in relation to the national government.
  - 7.2. Are a “national of the United States\*\*\* OF AMERICA” per Perkins v. Elg, 307 U.S. 325 (1939). If you weren’t, you wouldn’t be eligible for a passport per 22 C.F.R. §51.2.
  - 7.3. Are NOT a “person who, though not a citizen[\*] of the United States[\*\*], owes permanent allegiance to the United States[\*\*]” per 8 U.S.C. §1101(a)(22)(B). This is so because the U.S. Supreme Court declared in Rogers v. Bellei, 401 U.S. 815 (1971) that an 8 U.S.C. §1401 “citizen of the United States\*\*\*” is NOT a Fourteenth Amendment “citizen of the United States\*\*\*”. See section 12.5 later.
  - 7.4. Are NOT a “national and citizen[\*] of the United States[\*\*] at birth” per 8 U.S.C. §1401.
  - 7.5. Are NOT a “non-citizen[\*] national of the United States[\*\*] at birth” or “U.S.[\*\*] national” per 8 U.S.C. §1408.
  - 7.6. Do not derive your citizenship from ANY provision within Title 8 of the U.S. Code, but rather through the Fourteenth Amendment if born within a constitutional state of the Union.
  - 7.7. Are a “non-resident non-person” in federal statutes because not domiciled in the STATUTORY United States\*\* defined in Title 8 of the U.S. Code, being federal territory not within any constitutional state.

## 12.6 Expatriation: 8 U.S.C. §1481

How can you be sure you are a “national” or “state national” if the authority for being so can’t lawfully be put in any federal statute? There are lots of ways, but the easiest way is to consider that you as a human being who was born in a state of the Union and outside the federal “United States\*\*\*” can legally “expatriate” your nationality. All you need in order to do so is your original birth certificate and to follow the procedures prescribed in federal law which we explain in section 4.12.16 of our Great IRS Hoax, Form #11.302 book and 4.5.3.13 of our Sovereignty Forms and Instructions Manual, Form #10.005. What exactly are you “expatriating”? The definition of expatriation clarifies this:

*“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.”*  
*[Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]*

*“expatriation. The voluntary act of abandoning or renouncing one’s country, [nation] and becoming the citizen or subject of another.*



Here is the statutory explanation of “expatriation”:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part III > § 1481](#)  
[§ 1481. Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions](#)

(a) A person who is a national of the United States[\*] whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality—

You can’t abandon your “nationality” unless you had it in the first place, so you must be a “national” or a “state national”! Here is the clincher:

[8 U.S.C. §1101](#): Definitions

(a) As used in this chapter—

(21) The term "national" means a person owing permanent allegiance to a state.

The term “state” above can mean a state of the Union or it can mean a confederation of states called the “United States\*\*\*”. The reason “state” is in lower case is because it refers in most cases to a legislatively foreign state, and all states of the Union are foreign with respect to the federal government for the purposes of legislative (but not CONSTITUTIONAL) jurisdiction for nearly all subject matters. All upper case “States” in federal law refer to territories or possessions owned by the federal government under [4 U.S.C. §110](#)(d):

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

Sneaky, huh? You’ll never hear especially a federal lawyer agree with you on this because it destroys their jurisdiction to impose an income tax on you, but it’s true!

**NOTE:** We are NOT suggesting that you SHOULD expatriate, but using the process to illustrate that it is completely consistent with our research. In order to move oneself outside of federal legislative jurisdiction, a human being born in a state of the Union and outside the federal United States\*\* (a “national” of the USA) would want to ONLY move his domicile outside of the federal zone (assuming that they were domiciled in the federal zone to begin with) AND NOT expatriate his nationality. Likewise, a “National and citizen of the United states\*\* at birth” pursuant to 8 U.S.C. §1401 would also want to move their domicile outside of the federal zone.

The rulings of the U.S. Supreme Court also reveal that “citizen of the United States\*\*\*” and “nationality” are equivalent, but only in the context of the Constitution and not any act of Congress. Look at the ruling below and notice how they use “nationality” and “citizen of the United States\*\*\*” interchangeably:

*“Whether it was also the rule at common law that the children of British subjects born abroad were themselves British subjects-**nationality being attributed to parentage instead of locality**-has been variously determined. If this were so, of course the statute of Edw. III. was declaratory, as was the subsequent legislation. But if not, then such children were aliens, and the statute of 7 Anne and subsequent statutes must be regarded as in some sort acts of naturalization. On the other hand, it seems to me that the rule, ‘Partus sequitur patrem,’ has always applied to children of our citizens born abroad, and that the acts of congress on this subject are clearly declaratory, passed out of abundant caution, to obviate misunderstandings which might arise from the prevalence of the contrary rule elsewhere.*

*“**Section 1993 of the Revised Statutes provides that children so born ‘are declared to be citizens of the United States\*\*\*; but the rights of citizenship shall not descend to children whose fathers never resided in the United States\*\*\*.’** Thus a limitation is prescribed on the passage of citizenship by descent beyond the second generation if then surrendered by permanent nonresidence, and this limitation was contained in all the acts from 1790 down. Section 2172 provides that such children shall ‘be considered as citizens thereof.’ “  
[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

If after examining the charts above, you find that your present citizenship status does not meet your needs, you are perfectly entitled to change it and the government can’t stop you. We explain in section 4.12.16 of our [Great IRS Hoax](#), Form #11.302

how to abandon any type of citizenship you may find undesirable in order to have the combination of rights and “privileges” that suit your fancy. If a “national” of the USA\*\*\* wanted to qualify for Social Security Benefits, they would have to naturalize to the “United States\*\*\*” to become a statutory “U.S.\*\* national” or move their domicile to the federal zone (BAD IDEA).

## 12.7 Statutory geographical definitions

In the following subsections we have an outline of the legal constraints applying to persons who are “state nationals” and who do not claim the CIVIL citizen\*\*+D. The analysis that follows establishes that for “state nationals”, such persons may in some cases not be allowed to vote in elections without special efforts on their part to maintain their status. They are also not allowed to serve on jury duty without special efforts on their part to maintain their status. These special efforts involve clarifying our citizenship on any government forms we sign to describe ourselves as ONE of the following:

1. “nationals” or “state nationals” but not statutory “citizens of the United States\*\*\*” as defined in and [8 U.S.C. §1101\(a\)\(21\)](#).
2. **Nationals** of the “United States *of America*” (just like our passport says) but not statutory citizens of the federal “United States\*\*\*” pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) if we were born within and domiciled within a constitutional state of the Union.

We said in section 4.12.8 of the *Great IRS Hoax*, Form #11.302 that all people born in states of the Union are technically “state nationals” or “U.S.\*\*\* nationals”. That is: “nationals of the United States\*\*\* *of America*”.

The legal encyclopedia American Jurisprudence helps us define what is meant by “United States” in the context of citizenship under federal (not state) law:

*3C American Jurisprudence 2d, Aliens and Citizens, §2689 (1999), Who is born in United States[\*\*] and subject to United States[\*\*] jurisdiction*

“A person is born *subject to the jurisdiction of the United States[\*\*]*, for purposes of acquiring citizenship at birth, if his or her birth occurs in **territory over which the United States[\*\*] is sovereign**, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country.”  
[American Jurisprudence 2d, Aliens and Citizens, Section 2689 (1999)]

The key word in the above definition is “territory” in relation to the sovereignty word. The only places which are “territories” of the United States[\*\*] government are listed in [Title 48 of the United States\[\\*\\*\] Code](#). The states of the union are NOT territories!

*“Territory: A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.*

*A portion of the United States[\*\*] not within the limits of any state, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the President.”*  
[Black’s Law Dictionary, Sixth Edition, p. 1473]

And the rulings of the Supreme Court confirm this:

*“A State does not owe its origin to the Government of the United States[\*\*], in the highest or in any of its branches. It was in existence before it. It derives its authority from the same pure and sacred source as itself: The voluntary and deliberate choice of the people...A State is altogether exempt from the jurisdiction of the Courts of the United States[\*\*], or from any other exterior authority, unless in the special instances when the general Government has power derived from the Constitution itself.”*  
[Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#) (Dall.) (1794)]

*“There is no such thing as a power of inherent sovereignty in the government of the United States[\*\*] .... In this country sovereignty resides in the people [living in the states of the Union, since the states created the United States[\*\*] government and they came before it], and Congress can exercise no power which they have not, by their Constitution entrusted to it: All else is withheld.”*  
[Julliard v. Greenman: [110 U.S. 421](#) (1884)]

So what is really meant by “United States” for the three types of citizens found in federal statutes such as 8 U.S.C. §1401 and 8 U.S.C. §1408 and 8 U.S.C. §1452 is the “sovereignty of the United States\*\*”, which exists in its fullest, most exclusive, and most “general” form inside its “territories”, and in federal enclaves within the states, or more generally in what we call the “federal zone” in this book. The ONLY place where the exclusive sovereignty of the United States\*\* exists in the context of its “territories” is under Article 1, Section 8, Clause 17 of the Constitution on federal land. In the legal field, by the way, this type of exclusive jurisdiction is described as “plenary power”. Very few of us are born on federal land under such circumstances, and therefore very few of us technically qualify as “citizens of the United States\*\*”. By the way, the federal government does have a very limited sovereignty or “authority” inside the states of the union, but it does not exceed that of the states, nor is it absolute or unrestrained or exclusive like it is inside the “territories” of the United States\*\* listed in [Title 48 of the United States\[\\*\\*\] Code](#).

Let’s now see if we can confirm the above conclusions with the weasel words that the lawyers in Congress wrote into the statutes with the willful intent to deceive common people like you. The key phrase in [8 U.S.C. §1101](#)(a)(38) above is “*the continental United States\*\**”. The definition of this term is hidden in the regulations as follows:

[Code of Federal Regulations]  
[Title 8, Volume 1]  
[Revised as of January 1, 2002]  
From the U.S. Government Printing Office via GPO Access  
[CITE: 8CFR215]  
TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE,  
DEPARTMENT OF JUSTICE  
PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES[\*\*]  
[Section 215.1: Definitions](#)  
  
(f) The term *continental United States[\*\*]* means the District of Columbia and the several [States](#), except Alaska and Hawaii.

The term “States”, which is suspiciously capitalized and is then also defined elsewhere in Title 8 as follows:

[8 U.S.C. §1101 Definitions](#)

(a) As used in this chapter—

(36) State [naturalization]

The term “State” **includes** the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[\*\*].

Do you see the sovereign Union states in the above definition? They aren’t there. Note that there are several entities listed in the above definition of “State”, which collectively are called “several States”. But when Congress really wants to clearly state the 50 Union states that are “foreign states” relative to them, they have no trouble at all, because here is another definition of “State” found under an older version of Title 40 of the U.S. Code prior to 2005 which refers to easements on Union state property by the federal government:

[TITLE 40 > CHAPTER 4 > Sec. 319c](#)  
[Sec. 319c.](#) - Definitions for easement provisions

As used in sections [319](#) to [319c](#) of this title -

(a) The term “State” **means** the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States[\*\*].

The above section, after we found it in 2002 and documented it here, was REWRITTEN in 2005 and REMOVED from Title 40 of the U.S. Code in order to cover up the distinctions we are trying to make here. Does that surprise you? In fact, this kind of “word smithing” by covetous lawyers is at the heart of how the separation of powers between the state and federal governments is being systematically destroyed, as documented below:

<p><a href="#">Government Conspiracy to Destroy the Separation of Powers</a>, Form #05.023 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
--

Did you notice in the now repealed 40 U.S.C. §319c that they used the term “means” instead of “includes” and that they said “States of the Union” instead of “several States”? You can tell they are playing word games and trying to hide their limited jurisdiction whenever they throw in the word “includes” and do not use the word “Union” in their definition of “State”. As a matter of fact, section 5.10.6 of the Great IRS Hoax, Form #11.302 reveals that there is a big scandal surrounding the use of the word “includes”. That word is abused as a way to illegally expand the jurisdiction of the federal government beyond its clear Constitutional limits. The memorandum of law below thoroughly rebuts any lies or deception the government is likely to throw at you regarding the word “includes” and you might want to read it:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

Moving on, if we then substitute the definition of the term “State” from 8 U.S.C. §1101(a)(36) into the definition of “continental United States[\*\*]” in 8 C.F.R. §215.1, we get:

8 C.F.R. §215.1

*The term continental United States[\*\*] means the District of Columbia and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United States[\*\*], except Alaska and Hawaii.*

We must then conclude that the “continental United States\*\*” means essentially the federal areas within the real (not statutorily defined) continental United States\*\*. We must also conclude based on the above analysis that:

1. The term “continental United States\*\*” is redundant and unnecessary within the definition of “United States\*\*” found in 8 U.S.C. §1101(a)(38).
2. The use of the term “continental United States\*\*” is introduced mainly to deceive and confuse the average American about his true citizenship status as a “national” or a “state national” and not a “U.S. national”.

The above analysis also leaves us with one last nagging question: why do Alaska and Hawaii appear in the definition of “United States\*\*” in 8 U.S.C. §1101(a)(38), since we showed that the other “States” mentioned as part of this statutory “United States\*\*” are federal “States”? If our hypothesis is correct that the “United States\*\*” means “the federal zone” within federal statutes and regulations and “the states of the Union” collectively within the Constitution, then the definition from the regulation above can’t include any part of a Union state that is not a federal enclave. In the case of Alaska and Hawaii, they were only recently admitted as Union states (1950’s). The legislative notes for Title 8 of the U.S. Code (entitled “Aliens and Nationality”) reveal that the title is primarily derived from the Immigration and Nationality Act of 1940, which was written and codified BEFORE Alaska and Hawaii joined the Union. Before that, they were referred to as the Territories of Alaska and Hawaii, which belonged to the “United States\*\*” or simply “Alaska and Hawaii”. Note that 8 U.S.C. §1101(a)(38) adds the phrase “of the United States\*\*” after the names of these two former territories and groups them together with other federal territories, which to us implies that they are referring to Alaska and Hawaii when they were territories rather than Union states. At the time they were federal territories, then they were federal “States”. These conclusions are confirmed by a rule of statutory construction known as “ejusdem generis”, which basically says that items of the same class or general type must be grouped together. The other items that Alaska and Hawaii are grouped with are federal territories in the list of enumerated items:

*“Ejusdem generis. Of the same kind, class, or nature. In the construction of laws, wills, and other instruments, the “ejusdem generis rule” is, that where general words follow an enumeration of persons or things, by words of a particular and specific meaning, such general words are not to be construed in their widest extent, but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned. U.S. v. LaBrecque, D.C. N.J., 419 F.Supp. 430, 432. The rule, however, does not necessarily require that the general provision be limited in its scope to the identical things specifically named. Nor does it apply when the context manifests a contrary intention.*

*Under “ejusdem generis” canon of statutory construction, where general words follow the enumeration of particular classes of things, the general words will be construed as applying only to things of the same general class as those enumerated. Campbell v. Board of Dental Examiners, 53 Cal.App.3d. 283, 125 Cal.Rptr. 694, 696.”*  
*[Black’s Law Dictionary, Sixth Edition, p. 517]*

## 12.8 The Fourteenth Amendment

Many freedom lovers allow themselves to be confused by the content of the Fourteenth Amendment so that they do not believe the distinctions we are trying to make here about the differences in meaning of the term “United States” between the Constitution and federal statutes. Here is what section 1 of that Amendment says:

Fourteenth Amendment

“Section 1. All persons born or naturalized in the United States[\*\*\*] and subject to the jurisdiction thereof, are citizens of the United States[\*\*\*] and of the State wherein they reside.”

The U.S. Supreme Court clarifies exactly what the phrase “subject to the jurisdiction” above means. It means the “political jurisdiction” of the United States\*\* and NOT the “legislative jurisdiction”(!):

“This section contemplates two sources of citizenship, and two sources only,—birth and naturalization. The persons declared to be citizens are ‘all persons born or naturalized in the United States[\*\*\*], and subject to the jurisdiction thereof.’ The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States[\*\*\*], but completely subject to their political jurisdiction, and owing them direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States[\*\*\*] at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”  
[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

“Political jurisdiction” is NOT the same as “legislative jurisdiction”. “Political jurisdiction” was defined by the Supreme Court in *Minor v. Happersett*:

“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.

“For convenience it has been found necessary to give a name to this membership. The object is to designate by a title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and ‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the government. Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States[\*\*\*]. When used in this sense it [the word “citizen”] is understood as conveying the idea of membership of a nation, and nothing more.”

“To determine, then, who were citizens of the United States[\*\*\*] before the adoption of the amendment it is necessary to ascertain what persons originally associated themselves together to form the nation, and what were afterwards admitted to membership.”  
[*Minor v. Happersett*, 88 U.S. 162 (1874)]

Notice how the Supreme court used the phrase “and nothing more”, as if to emphasize that citizenship doesn’t imply legislative jurisdiction, but simply political membership. We described in detail the two political jurisdictions within our country in section 4.5.2 of our Great IRS Hoax, Form #11.302 book. “Political jurisdiction” implies only the following:

1. Membership in a community (see *Minor v. Happersett*, 88 U.S. 162 (1874))
2. Right to vote.
3. Right to serve on jury duty.

“Legislative jurisdiction”, on the other hand, implies being “completely subject” and subservient to federal laws and all “Acts of Congress”, which only people in the District of Columbia and the territories and possessions of the United States[\*\*] can be. You can be “completely subject to the political jurisdiction” of the United States\*\*\* without being subject in any degree to a specific “Act of Congress” or the Internal Revenue Code, for instance. The final nail is put in the coffin on the subject of what “subject to the jurisdiction” means in the Fourteenth Amendment, when the Supreme Court further said in the above case:



1           *"It is impossible to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less*  
2           *comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or to hold*  
3           *that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the*  
4           *United States[\*\*\*].'"*  
5           *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]*

6       So "subject to the jurisdiction" in the context of citizenship within the Fourteenth Amendment means "subject to the  
7       [**political**] jurisdiction" of the United States\*\*\* and not legislative jurisdiction, and the Fourteenth Amendment definitely  
8       describes only those people born in states of the Union. Another very interesting conclusion reveals itself from reading the  
9       following excerpt from the above case:

10           *"And Mr. Justice Miller, delivering the opinion of the court [legislating from the bench, in this case], in analyzing*  
11           *the first clause, observed that "the phrase 'subject to the jurisdiction thereof' was intended to exclude from its*  
12           *operation children of ministers, consuls, and citizens or subjects of foreign states, born within the United*  
13           *States[\*\*\*]."*  
14           *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]*

15       When we first read that, an intriguing question popped into our head:

16           *Is "Heaven" or any religious group for that matter a "foreign state" with respect to the United States\*\**  
17           *government and are we God's "ambassadors" and "ministers" of the Sovereign ("God") in that "foreign state"?*

18       Based on the way our deceitful and wicked public servants have been acting lately, we think so, and here are the scriptures  
19       to back it up!

20           *"For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ"—*  
21           *[Philippians 3:20, Bible, NKJV]*

22           *"Now, therefore, you are no longer strangers and foreigners, but fellow citizens with the saints and members of*  
23           *the household of God."*  
24           *[Ephesians 2:19, Bible, NKJV]*

25           *"These all died in faith, not having received the promises, but having seen them afar off were assured of them,*  
26           *embraced them and confessed that they were strangers and pilgrims on the earth."*  
27           *[Hebrews 11:13, Bible, NKJV]*

28           *"Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul..."*  
29           *[1 Peter 2:11, Bible, NKJV]*

30       Furthermore, if you read section 5.2.15 of the Great IRS Hoax, Form #11.302, you will *also* find that the 50 Union states are  
31       considered "foreign states" and "foreign countries" with respect to the U.S. government as far as Subtitle A income taxes are  
32       concerned:

33           *Foreign courts: "The courts of a foreign state or nation. In the United States[\*\*], this term is frequently applied*  
34           *to the courts of one of the states when their judgments or records are introduced in the courts of another."*  
35           *[Black's Law Dictionary, Sixth Edition, p. 647]*

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

## 38       12.9    Department of State Foreign Affairs Manual (FAM)

39       Another place you can look to find confirmation of our conclusions is the Department of State Foreign Affairs Manual,  
40       section 8 Foreign Affairs Manual (F.A.M.), Section 301.1, available on our website at:

<p><u>Dept. of State Foreign Affairs Manual (FAM), Volume 8, Section 301.1</u> Department of State: <a href="https://fam.state.gov/FAM/08FAM/08FAM030101.html">https://fam.state.gov/FAM/08FAM/08FAM030101.html</a> Local Copy: <a href="https://famguardian.org/TaxFreedom/Evidence/Citizenship/8%20FAM%20301.1%20ACQUISITION%20BY%20BIRTH%20IN%20THE%20UNITED%20STATES.pdf">https://famguardian.org/TaxFreedom/Evidence/Citizenship/8%20FAM%20301.1%20ACQUISITION%20BY%20BIRTH%20IN%20THE%20UNITED%20STATES.pdf</a></p>
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41       and also available on the Department of State website at:

which says in pertinent part:

8 FAM 301.1-2 WHAT IS BIRTH "IN THE UNITED STATES"?

(CT:CITZ-45; 12-09-2020)

a. INA 101(a)(38) (8 U.S.C. 1101 (a)(38)) provides that "the term 'United States,' when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States."

b. On November 3, 1986, Public Law 94-241, "approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America", (Section 506(c)), took effect. From that point on, the Northern Mariana Islands have been treated as part of the United States for the purposes of INA 301 (8 U.S.C. 1401) and INA 308 (8 U.S.C. 1408) (see [8 FAM 302.1](#))

c. The Nationality Act of 1940 (NA), Section 101(d) (54 Statutes at Large 1172) (effective January 13, 1941 until December 23, 1952) provided that "the term 'United States' when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States." The 1940 Act did not include Guam or the Northern Mariana Islands as coming within the definition of "United States."

See the text of the 1940 Act on the Intranet, Acquisition of Citizenship, Legal and Regulatory Documents.

d. Prior to January 13, 1941, there was no statutory definition of "the United States" for citizenship purposes. The phrase "in the United States" as used in Section 1993 of the Revised Statutes of 1878 clearly includes states that have been admitted to the Union (see [8 FAM 102.2](#)).

e. INA 304 (8 U.S.C. 1404) and INA 305 (8 U.S.C. 1405) provide a basis for citizenship of persons born in Alaska and Hawaii, respectively, while they were territories of the United States.

[8 Foreign Affairs Manual (FAM), Section 301.1-2; <https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

Note the following important facts about the above:

1. They don't mention the Fourteenth Amendment ANYWHERE as being included in the STATUTORY geographical definition of "United States".
2. 8 U.S.C. §1401 POLITICAL "nationals and citizens of the United States at birth" are the only types of citizens mentioned above, but they are NOT equivalent to Constitutional "Citizens" in the original constitution or "citizens of the United States" in the Fourteenth Amendment.
3. The term "State" is NOWHERE defined in Title 8 to expressly include any part of the exclusive jurisdiction of a Constitutional state.
4. The definition of the STATUTORY term "continental United States" in Title 8 of the U.S. Code is NOWHERE defined to expressly include areas within the exclusive jurisdiction of a Constitutional state. More at:

[Tax Deposition Questions](#), Section 14: Citizenship

<https://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section%2014.htm>

There is obviously LOTS of equivocation going on here to make you falsely believe that STATUTORY and CONSTITUTIONAL citizens are equivalent, folks, even though they are not and are mutually exclusive.

In fact, the statutory term "United States" in the context of citizenship was not even defined up until 1941. If our own government hadn't defined the meaning of the term "United States" up until 1941, then do you think there might have been some confusion over this and that this confusion was deliberate? Can you also see how the ruling in *Wong Kim Ark* might have been somewhat ambiguous to the average American without a statutory (legal) reference for the terms it was using? Once again, the government likes to confuse people about its jurisdiction in order to grab more of it. Here is how Thomas Jefferson explained it:

"Contrary to all correct example, [the Federal judiciary] are in the habit of going out of the question before them, to throw an anchor ahead and grapple further hold for future advances of power. They are then in fact the corps

1 of sappers and miners, steadily working to undermine the independent rights of the States and to consolidate  
2 all power in the hands of that government in which they have so important a freehold estate."

3 [Thomas Jefferson: Autobiography, 1821. ME 1:121]

4 "We all know that permanent judges acquire an esprit de corps; that, being known, they are liable to be tempted  
5 by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or  
6 legislative; that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one  
7 side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."

8 [Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

9 "It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man,  
10 and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps,  
11 of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the  
12 absence of responsibility, and how can we expect impartial decision between the General government, of which  
13 they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear?"

14 [Thomas Jefferson: Autobiography, 1821. ME 1:121]

15 "At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and  
16 harmless members of the government. Experience, however, soon showed in what way they were to become the  
17 most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and  
18 irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and  
19 unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and  
20 little the foundations of the Constitution and working its change by construction before any one has perceived  
21 that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not  
22 made to be trusted for life if secured against all liability to account."

23 [Thomas Jefferson to A. Coray, 1823. ME 15:486]

24 "I do not charge the judges with wilful and ill-intentioned error; but honest error must be arrested where its  
25 toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges  
26 should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed,  
27 injure them in fame or in fortune; but it saves the republic, which is the first and supreme law."

28 [Thomas Jefferson: Autobiography, 1821. ME 1:122 ]

29 "The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of  
30 the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its  
31 own will."

32 [Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68]

33 "It is a misnomer to call a government republican in which a branch of the supreme power [the Federal  
34 Judiciary] is independent of the nation."

35 [Thomas Jefferson to James Pleasants, 1821. FE 10:198]

36 "It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take  
37 on themselves to judge the law as well as the fact. They never exercise this power but when they suspect  
38 partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English  
39 liberty."

40 [Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283]

41 With respect to that last remark, keep in mind that NONE of the U.S. Supreme Court cases like Wong Kim Ark have juries,  
42 so what do you think the judges are going to try to do?.. expand their power, duhhhhh!

43 Another portion of that same document found in [8 Foreign Affairs Manual \(F.A.M.\), Section 301.1-1\(d\)](#) and since removed  
44 from the Foreign Affairs Manual says:

45 8 FAM 300  
46 U.S. CITIZENSHIP AND NATIONALITY  
47 8 FAM 301  
48 U.S. CITIZENSHIP  
49 8 FAM 301.1  
50 ACQUISITION BY BIRTH IN THE UNITED STATES  
51 (CT:CITZ-50; 01-21-2021)  
52 (Office of Origin: CA/PPT/SA)

53 8 FAM 301.1-1 INTRODUCTION

54 (CT:CITZ-50; 01-21-2021)

d. "Subject to the Jurisdiction of the United States": All children born in and subject, at the time of birth, to the jurisdiction of the United States acquire U.S. citizenship at birth even if their parents were in the United States illegally at the time of birth:

(1) The U.S. Supreme Court examined at length the theories and legal precedents on which the U.S. citizenship laws are based in U.S. v. Wong Kim Ark, 169 U.S. 649 (1898). In particular, the Court discussed the types of persons who are subject to U.S. jurisdiction. The Court affirmed that a child born in the United States to Chinese parents acquired U.S. citizenship even though the parents were, at the time, racially ineligible for naturalization;

(2) The Court also concluded that: "The 14th Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The Amendment, in clear words and in manifest intent, includes the children born within the territory of the United States, of all other persons, of whatever race or color, domiciled within the United States." Pursuant to this ruling:

(a) Acquisition of U.S. citizenship generally is not affected by the fact that the parents may be in the United States temporarily or illegally; and that; and

(b) A child born in an immigration detention center physically located in the United States is considered to have been born in the United States and be subject to its jurisdiction. This is so even if the child's parents have not been legally admitted to the United States and, for immigration purposes, may be viewed as not being in the United States.

[8 Foreign Affairs Manual (F.A.M.), Section 301.1-1(d)]

So what does "subject to the jurisdiction of the United States" mean in the context of CITIZENSHIP? It means subject to the POLITICAL and not LEGISLATIVE jurisdiction of the federal government at the time of birth. It does NOT mean subject to the exclusive legislative jurisdiction of the national government under Article 1, Section 8, Clause 17 of the U.S. Constitution. It means subject to the U.S. Constitution but not most federal statutes or the Internal Revenue Code.

## 12.10 Federal court jurisdiction

Let's now further explore what [8 Foreign Affairs Manual \(F.A.M.\), Section 301.1](#) means when it says "subject to the laws of the United States\*\*". In doing so, we will draw on a very interesting article found on our website below:

Authorities on Jurisdiction of Federal Courts, Family Guardian Fellowship  
<http://famguardian.org/Subjects/LegalGovRef/ChallJurisdiction/AuthoritiesArticle/AuthOnJurisdiction.htm>

We start with a cite from Title 18 that helps explain the jurisdiction of "the laws of the United States\*\*":

TITLE 18 > PART III > CHAPTER 301 > Sec. 4001.  
Sec. 4001. - Limitation on detention; control of prisons

(a) No citizen shall be imprisoned or otherwise detained by the United States\*\* except pursuant to an Act of Congress.

Building on this theme, we now add a corroborating citation from the [Federal Rules of Criminal Procedure, Rule 26, Notes of Advisory Committee on Rules, paragraph 2](#), in the middle,

"On the other hand since all Federal crimes are statutory [ see United States v. Hudson, 11 U.S. 32, 3 L.Ed. 259 (1812)] and all criminal prosecutions in the Federal courts are based on acts of Congress. . . ." [emphasis added]

We emphasize the phrase "Acts of Congress" above. In order to define the jurisdiction of the Federal courts to conduct criminal prosecutions and how they might apply "the laws of the United States\*\*" in any given situation, one would have to find out what the specific definition of "Act of Congress," is. We find such a definition in [Federal Rule of Criminal Procedure 54\(c\)](#) prior to Dec. 2002, wherein "Act of Congress" was defined. Rule 54(c) stated:

"Act of Congress" includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession."

If you want to examine this rule for yourself, here is the link:

[http://www2.law.cornell.edu/cgi-bin/foliocgi.exe/frcrm/query=\[jump!3A!27district+court!27\]/doc/{ @772}?](http://www2.law.cornell.edu/cgi-bin/foliocgi.exe/frcrm/query=[jump!3A!27district+court!27]/doc/{ @772}?)

The \$64,000 question is:

"ON WHICH OF THE FOUR LOCATIONS NAMED IN [former] RULE 54(c) OF the FEDERAL RULES OF CRIMINAL PROCEDURE IS THE UNITED STATES\*\* DISTRICT COURT ASSERTING JURISDICTION WHEN THE U.S. ATTORNEY HAULS YOUR ASS IN COURT ON AN INCOME TAX CRIME?"

**Hint:** everyone knows what and where the District of Columbia is, and everyone knows where Puerto Rico is, and territories and insular possessions are defined in [Title 48 United States Code](#), happy hunting!

The Supreme Court says the same thing about this situation as well:

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

Keep in mind that Title 8 of the U.S. Code, which establishes citizenship under federal law is federal "legislation". I guess that means there is nothing in that title that can define or circumscribe our rights as people born within and domiciled within a state of the Union, which is foreign to the federal government for the purposes of legislative jurisdiction. In fact, that is exactly our status as a "national" defined in 8 U.S.C. §1101(a)(21). The term "national" is defined in Title 8, Section 1101 but the rights of such a human being are not limited or circumscribed there because they can't be under the Constitution. This, folks, is the essence of what it means to be truly "sovereign" with respect to the federal government, which is that you aren't the subject of any federal law. Laws limit rights and take them away. Rights don't come from laws, they come from God! America is "The land of the Kings". Every one of you is a king or ruler over your public servants, and THEY, not you, should be "rendering to Caesar", just as the Bible says in Matt. 22:15:22:

"The people of the state [not the federal government, but the state: IMPORTANT!], as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the king by his own prerogative."  
[*Lansing v. Smith*, 4 Wendell 9, (NY) (1829)]

"It will be admitted on all hands that with the exception of the powers granted to the states and the federal government, through the Constitutions, the people of the several states are unconditionally sovereign within their respective states."  
[*Ohio L. Ins. & T. Co. v. Debolt*, 16 How. 416, 14 L.Ed. 997 ]

"Sovereignty [that's you!] 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."  
[*Yick Wo v. Hopkins*, 118 U.S. 356, 6 S.Ct. 1064 (1886)]

## 12.11 **Rebutted arguments against those who believe people born in the states of the Union are *not* "nationals"**

A few people have disagreed with our position on the "national" and "state national" citizenship status of persons born in states of the Union. These people have sent us what might appear to be contradictory information from websites maintained by the federal government. We thank them for taking the time to do so and we will devote this section to rebutting all of their incorrect views. Below are some of the arguments against our position on "state national" citizenship that we have received and enumerated to facilitate rebuttal. We have boldfaced the relevant portions to make the information easier to spot.

1. U.S. Supreme Court, *Miller v. Albright*, 523 U.S. 420 (1998), footnote #2:

"2. Nationality and citizenship are not entirely synonymous; one can be a national of the United States and yet not a citizen. 8 U.S.C. §1101(a)(22). The distinction has little practical impact today, however, for the only remaining noncitizen nationals are residents of American Samoa and Swains Island. See T. Aleinikoff, D. Martin, & H. Motomura, *Immigration: Process and Policy* 974-975, n. 2 (3d ed. 1995). The provision that a child born



1 abroad out of wedlock to a United States citizen mother gains her nationality has been interpreted to mean that  
2 the child gains her citizenship as well; thus, if the mother is not just a United States national, but also a United  
3 States citizen, the child is a United States citizen. See 7 Gordon § 93.04[2][b], p. 93-42; id., § 93.04[2][d][viii],  
4 p. 93-49."  
5 [Miller v. Albright, 523 U.S. 420 (1998)]

- 6 2. Volume 8 of the Department of State Foreign Affairs Manual (FAM) section 301.1-1(b)(2) published by the Dept. of  
7 States at <https://fam.state.gov> says the following about nationals but not citizens of the United States:

8 (2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting  
9 territory acquired by the United States through conquest or treaty. At one time or other natives and certain other  
10 residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S.  
11 non-citizen nationals. (See 7 FAM 1120 and 7 FAM 1100 Appendix P.);

12 (3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals  
13 (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See 7 FAM 1125.); and

14 [Foreign Affairs Manual (F.A.M.), Department of State, Volume 8, Section 301.1-1(b)(2);  
15 <https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

- 16 3. The Social Security Program Operations Manual System (P.O.M.S.) at <http://policy.ssa.gov/poms.nsf/poms> says the  
17 following:

18 *Social Security Program Operations Manual System (P.O.M.S.), Section RS 02001.003 "U.S. Nationals"*

19 *Most of the agreements refer to "U.S. nationals."*

20 *The term includes both U.S. citizens and persons who, though not citizens, owe permanent allegiance to the United*  
21 *States. As noted in RS 02640.005 D., the only persons who are nationals but not citizens are American Samoans*  
22 *and natives of Swains Island.*

- 23 4. The USDA Food Stamp Service, website says at <http://www.fns.usda.gov/fsp/rules/Memo/Support/02/polimgtr.htm>:

24 *Non-citizens who qualify outright*

25 *There are some immigrants who are immediately eligible for food stamps without having to meet other immigrant*  
26 *requirements, as long as they meet the normal food stamp requirements:*

- 27 • *Non-citizen nationals (people born in American Samoa or Swains Island).*
- 28 • *American Indians born in Canada.*
- 29 • *Members (born outside the U.S.) of Indian tribes under Section 450b(e) of the Indian Self-*  
30 *Determination and Education Assistance Act.*
- 31 • *Members of Hmong or Highland Laotian tribes that helped the U.S. military during the Vietnam era,*  
32 *and who are legally living in the U.S., and their spouses or surviving spouses and dependent children.*

33 The defects that our detractors fail to realize about the above information are the following points:

- 34 1. The term "United States" as used in 8 U.S.C. §1408 means the federal zone based on the definitions provided in 8 U.S.C.  
35 §1101(a)(36), 8 U.S.C. §1101(a)(38), and 8 C.F.R. §215.1(f). See:

*Tax Deposition Questions*, Section 14, questions 77 through 82  
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm>

- 36 2. All of the cites that our detractors quote come from federal statutes and "Acts of Congress". The federal government is  
37 not authorized under our Constitution or under international law to prescribe the citizenship status of persons who neither  
38 reside within nor were born within its territorial jurisdiction. The only thing that federal statutes can address are the  
39 status of persons who either reside in, were born in, or resided in the past within the territorial jurisdiction of the federal  
40 government. People born within states of the Union do not satisfy this requirement and their citizenship status resulting  
41 from that birth is determined only under state and not federal law. State jurisdiction is foreign to federal jurisdiction  
42 EXCEPT in federal areas within a state. The quote below confirms this, keeping in mind that Title 8 of the U.S. Code  
43 qualifies as "legislation":

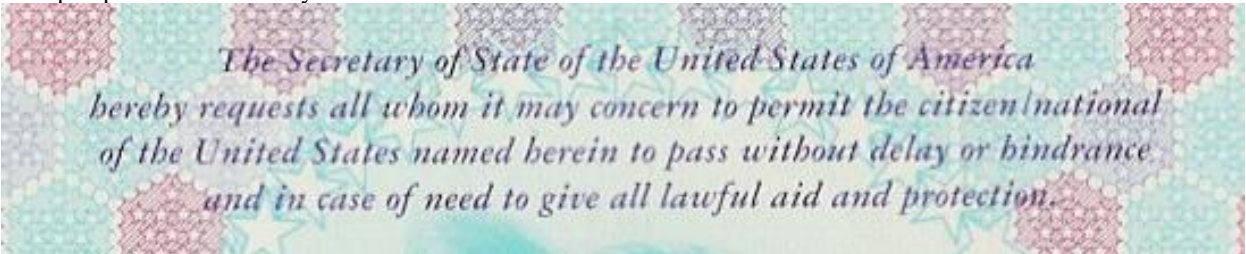
1                   *"While states are not sovereign in true sense of term but only quasi sovereign, yet in respect of all powers reserved*  
2 *to them [under the Constitution] they are supreme and independent of federal government as that government*  
3 *within its sphere is independent of the states."*

4                   *"It is no longer open to question that the general government, unlike the states, Hammer v. Dagenhart, 247 U.S.*  
5 *251, 275, 38 S.Ct. 529, 3 A.L.R. 649, Ann.Cas.1918E 724, possesses no inherent power in respect of the internal*  
6 *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     3. The only thing you need in order to obtain a U.S.A. Passport is "allegiance". 22 U.S.C. §212. If the federal government  
9 is willing to issue you a passport, then they regard you as a "national", because the only type of citizenship that carries  
10 with it exclusively allegiance is that of a "national". 8 U.S.C. §1101. See:

Getting a USA Passport as a "state national", Form #10.013  
<https://sedm.org/Forms/FormIndex.htm>

11     4. USA passports indicate that you are a "citizen OR national":



12     "citizen/national"= "citizen" OR "national"  
13     "/"= "virgule"

14     5. The quotes of our detractors above recognize only *one* of the *four* different ways of becoming a "national but not citizen  
15 of the United States" described in 8 U.S.C. §1408. They also recognize only *one* of the *three* different definitions of  
16 "United States" that a person can be a "national" of, as revealed in *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945)  
17 . They also fail to recognize that an 8 U.S.C. §1452 "national but not citizen of the United States" is not necessarily the  
18 same as a "national and citizen of the United States at birth".

19     6. Information derived from informal publications or advice of employees of federal agencies are *not* admissible in a court  
20 of law as evidence upon which to base a good faith belief. The *only* basis for good-faith belief is a reading of the actual  
21 statute or regulation that implements it. The reason for this is that employees of the government are frequently wrong,  
22 and frequently not only say wrong things, but in many cases the people who said them had no lawful delegated authority  
23 to say such things. See <http://famguardian.org/Subjects/Taxes/Articles/reliance.htm> for an excellent treatise from an  
24 attorney on why this is.

25     7. People writing the contradictory information falsely "presume" that the term "citizen" in a general sense that most  
26 Americans use is the same as the term "citizen" as used in the definition of "citizens and nationals of the United States"  
27 found in 8 U.S.C. §1401. In fact, we conclusively prove throughout this document that this is emphatically not the case.  
28 A "citizen" as used in the Internal Revenue Code and most federal statutes means a person born in a territory or possession  
29 of the United States, and *not* in a state of the Union. Americans born in states of the Union are a different type of  
30 "citizen". This document proves that these types of people are "nationals" and "state nationals" but not "citizens" or  
31 "U.S. citizens" in the context of any federal statute.  
32

33                   *"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,*  
34 *opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.*  
35 *No such definition was previously found in the Constitution, nor had any attempt been made to define it by act*  
36 *of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the*  
37 *public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except*  
38 *as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided*  
39 *always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.*  
40 *Whether this proposition was sound or not had never been judicially decided."*  
41 *[Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]*

42     We therefore challenge those who make this unwarranted presumption to provide law and evidence proving us wrong  
43 on this point.

44     8. Whatever citizenship we enjoy we are entitled to abandon. This is our right, as declared both by the Congress and the  
45 Supreme Court. See Revised Statutes, section 1999, page. 350, 1868. "citizens and nationals of the United States" as  
46 defined in 8 U.S.C. §1401 have two statuses: "citizen" and "national". We are entitled to abandon either of these two.  
47 If we abandon nationality, then we automatically lose the "citizen" part, because nationality is where we obtain our

allegiance. But if we abandon the “citizen” part, then we still retain our nationality under 8 U.S.C. §1101(a)(21). This is the approach we advocated earlier in section 9.1. Because all citizenship must be consensual, then the government must respect our ability to abandon those types of citizenship we find objectionable. Consequently, if either you or the government believe that you are a “citizen and national of the United States” under 8 U.S.C. §1401, then you are entitled by law to abandon only the “citizen” portion and retain the “national” portion, and 8 U.S.C. §1452 tells you how to have that choice recognized by the Department of State.

Item 2 above is important, because it establishes that the federal government has no authority to write law that prescribes the citizenship status of persons born *outside* of federal territorial jurisdiction and *within* the states of the Union. The U.S. Constitution in Article 1, Section 8, Clause 4 empowers Congress to write “an uniform Rule of Naturalization”, but “naturalization” is only one of *two* ways of acquiring citizenship. Birth is the other way, and the states have exclusive jurisdiction and legislative authority over the citizenship status of those people who acquire their state citizenship by virtue of birth within states of the Union. Here is what the U.S. Supreme Court held on this subject:

*“The power of naturalization, vested in congress by the constitution, is a power to confer citizenship, not a power to take it away. ‘A naturalized citizen,’ said Chief Justice Marshall, ‘becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing of a native. **The constitution does not authorize congress to enlarge or abridge those rights. The simple power of the national legislature is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual.**”*  
[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

*“A naturalized citizen is indeed made a citizen under an act of Congress, but the act does not proceed to give, to regulate, or to prescribe his capacities. **He becomes a member of the society, possessing all the rights of a native citizen, and standing, in the view of the constitution, on the footing of a native. The constitution does not authorize Congress to enlarge or abridge those rights. The simple power of the national Legislature, is to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual. The constitution then takes him up, and, among other rights, extends to him the capacity of suing in the Courts of the United States, precisely under the same circumstances under which a native might sue. He is \*828 distinguishable in nothing from a native citizen, except so far as the constitution makes the distinction. The law makes none.**”*  
[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]

The rules of comity prescribe whether or how this citizenship is recognized by the federal government, and by reading 8 U.S.C. §1408, it is evident that the federal government chose *not* directly recognize within Title 8 of the U.S.C. the citizenship status of persons born within states of the Union to parents neither of whom were “U.S. citizens” under 8 U.S.C. §1401 and neither of whom “resided” inside the federal zone prior to the birth of the child. We suspect that this is because not only does the Constitution not give them this authority, but more importantly because doing so would spill the beans on the true citizenship of persons born in states of the Union and result in a mass exodus from the tax system by most Americans.

As we said, there are four ways identified in 8 U.S.C. §1408 that a person may be a “national but not citizen of the United States” *at birth*. We have highlighted the section that our detractors are ignoring, and which we quote frequently on our treatment of the subject of citizenship.

[TITLE 8 > CHAPTER 12 > SUBCHAPTER III > Part I > Sec. 1408.](#)  
[Sec. 1408. - Nationals but not citizens of the United States at birth](#)

*Unless otherwise provided in section [1401](#) of this title, the following shall be nationals, but not citizens, of the United States at birth:*

*(1) A person born in an outlying possession of the United States on or after the date of formal acquisition of such possession;*

*(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;*

*(3) A person of unknown parentage found in an outlying possession of the United States while under the age of five years, until shown, prior to his attaining the age of twenty-one years, not to have been born in such outlying possession; and*

*(4) A person born outside the United States and its outlying possessions of parents one of whom is an alien, and the other a national, but not a citizen, of the United States who, prior to the birth of such person, was physically*

present in the United States or its outlying possessions for a period or periods totaling not less than seven years in any continuous period of ten years -  
(A) during which the national parent was not outside the United States or its outlying possessions for a continuous period of more than one year, and  
(B) at least five years of which were after attaining the age of fourteen years.

The proviso of section 1401(g) of this title shall apply to the national parent under this paragraph in the same manner as it applies to the citizen parent under that section

Subsections (1), (3), and (4) above deal with persons who are born in outlying possessions of the United States, and Swains Island and American Samoa would certainly be included within these subsections. These people would be the people who are addressed by the information cited by our detractors from federal websites above. Subsection (2), however, deals with persons who are born outside of the federal United States (federal zone) to parents who are “nationals but not citizens of the United States” and who resided at one time in the federal United States. Anyone born overseas to American parents is a “non-citizen U.S. national” under this section and this status is one that is not recognized in any of the cites provided by our detractors but is recognized by the law itself. Since states of the Union are outside the federal United States and outside the “United States” used in Title 8, then parents born in states of the Union satisfy the requirement for “national but not citizen of the United States” status found in 8 U.S.C. §1408(2).

One of the complaints we get from our readers is something like the following:

*“Let’s assume you’re right and that 8 U.S.C. §1408(2) prescribes the citizenship status of persons born in a state of the Union. The problem I have with that view is that ‘United States’ means the federal zone in that section, and subsection (2) requires that the parents must reside within the ‘United States’ prior to the birth of the child. This means they must have ‘resided’ in the federal zone before the child was born, and most people don’t satisfy that requirement.”*

Let us explain why the above concern is unfounded. According to 8 U.S.C. §1408(2), the parents must also reside in the federal United States prior to the birth of the child. We assert that most people born in states of the Union do in fact meet this requirement and we will now explain why. They can meet this requirement by any one of the following ways:

1. Serving in the military or residing on a military base or occupied territory.
2. Filing an IRS Form 1040 (not a 1040NR, but a 1040). The federal 1040 form says “U.S. individual” at the top left. A “U.S. individual” is defined in 26 C.F.R. §1.1441-1(c)(3) as either an “alien” residing within the federal zone with income from within the federal zone. Since “nonresident aliens” file the 1040NR form, the only thing that a person who files a 1040 form can be is a “resident alien” as defined in 26 U.S.C. §7701(b)(1) and 26 C.F.R. §1.1-1(a)(2)(ii) or a “citizen” residing abroad who attaches a form 2555 to the 1040. See Great IRS Hoax, Form #11.302, Section 5.2.17 for further details on this if you are curious. Consequently, being a “resident alien” qualifies you as a “resident”. You are not, in fact a resident because you didn’t physically occupy the federal zone for the year covered by the tax return, but if the government is going to treat you as a “resident” by accepting and processing your tax return, then they have an obligation to treat either you or your parents as “residents” in all respects, including those related to citizenship. To do otherwise would be inconsistent and hypocritical.
3. Spending time in a military hospital.
4. Visiting federal property or a federal reservation within a state routinely as a contractor working for the federal government.
5. Working for the federal government on a military reservation or inside of a federal area.
6. Sleeping in a national park.
7. Spending time in a federal courthouse.

The reason why items 3 through 7 above satisfy the requirement to be a “resident” of the federal United States is because the term “resident” is nowhere defined in Title 8 of the U.S. Code, and because of the definition of “resident” in Black’s Law Dictionary:

*“Resident. Any person who occupies a dwelling within the State, has a present intent to remain within the State for a period of time, and manifests the genuineness of that intent by establishing an ongoing physical presence within the State together with indicia that his presence within the State is something other than merely transitory in nature.”*  
[Black’s Law Dictionary, Sixth Edition, p. 1309]

The key word in the above is “permanent”, which is defined as it pertains to citizenship in 8 U.S.C. §1101(a)(31) below:



(a) As used in this chapter—

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States or of the individual, in accordance with law.

Since Title 8 does not define the term “lasting” or “ongoing” or “transitory”, we referred to the regular dictionary, which says:

**“lasting:** existing or continuing a long while: ENDURING.”  
[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 675]

**“ongoing:** 1. being actually in process 2: continuously moving forward; GROWING”  
[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 825]

**“transitory:** 1: tending to pass away: not persistent 2: of brief duration: TEMPORARY syn see TRANSIENT.”

No period of time is specified in order to meet the criteria for “permanent”, so even if we lived there a day or a few hours, we were still there “permanently”. The Bible also says in Matt. 6:26-31 that we should not be anxious or presumptuous about tomorrow and take each day as a new day. The last verse in that sequence says:

**“Therefore do not worry about tomorrow, for tomorrow will worry about its own trouble.”**  
[Matt. 6:31, Bible, NKJV]

In fact, we are not allowed to be presumptuous at all, which means we aren’t allowed to assume or intend anything about the future. Our future is in the hands of a sovereign Lord, and we exist by His good graces alone.

**“Come now, you who say, ‘Today or tomorrow we will go to such and such a city, spend a year there, buy and sell, and make a profit’; whereas you do not know what will happen tomorrow. For what is your life? It is even a vapor that appears for a little time and then vanishes away. Instead you ought to say, ‘If the Lord wills, we shall live and do this or that.’ But now you boast in your arrogance. All such boasting is evil.”**  
[James 4:13-16, Bible, NKJV]

**“But the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the Lord, and he shall be cut off from among his people.”**  
[Numbers 15:30, Bible, NKJV]

Consequently, the Christian’s definition of “permanent” is anything that relates to what we intend for today only and does not include anything that might happen starting tomorrow or at any time in the future beyond tomorrow. Being presumptuous about the future is “boastful” and “evil”, according to the Bible! The future is uncertain and our lives are definitely not “permanent” in God’s unlimited sense of eternity. Therefore, wherever we are is where we “intend” to permanently reside as Christians.

Even if you don’t like the above analysis of why most Americans born in states of the Union are “nationals but not citizens of the United States” under 8 U.S.C. §1408(2), we still explained above that you have the right to abandon only the “citizen” portion and retain the “national” portion of any imputed dual citizenship status under 8 U.S.C. §1401. We also show you how to have that choice formally recognized by the U.S. Department of State in section 2.5.3.13 of the Sovereignty Forms and Instructions Manual, Form #10.005 under the authority of 8 U.S.C. §1452, and we know people who have successfully employed this strategy, so it must be valid.

Furthermore, even if you don’t want to believe that any of the preceding discussion is valid, we also explained that the federal government cannot directly prescribe the citizenship status of persons born within states of the Union under international law. To illustrate this fact, consider the following extension of a popular metaphor:

**“If a tree fell in the forest, and Congress refused to pass a law recognizing that it fell and forced the agencies in the executive branch to refuse to acknowledge that it fell because doing so would mean an end to income tax revenues, then did it really fall?”**



The answer to the above questions is emphatically “yes”. We said that the rules of comity prevail in that case the federal government recognizing the citizenship status of those born in states of the Union. But what indeed is their status under federal law? 8 U.S.C. §1101(a)(21) defines a “national” as:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
[Sec. 1101. - Definitions](#)

(a) As used in this chapter—

(21) The term “national” means a person owing permanent allegiance to a state.

If you were born in a state of the Union, you are a “national of the United States\*\*\*” because the “state” that you have allegiance to is the confederation of states called the “United States\*\*\*”. As further confirmation of this fact, if “naturalization” is defined as the process of **conferring** “nationality” under 8 U.S.C. §1101(a)(23), and “expatriation” is defined as the process of **abandoning** “nationality and allegiance” by the Supreme Court in *Perkins v. Elg*, 307 U.S. 325 (1939), then “nationality” is the key that determines citizenship status. What makes a person a “national” is “allegiance” to a state. The only type of citizenship which carries with it the notion of “allegiance” is that of “national”, as shown in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B). You will not find “allegiance” mentioned anywhere in Title 8 in connection with those humans who claim to be “nationals and citizens of the United States at birth” as defined in 8 U.S.C. §1401:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
[Sec. 1101. - Definitions](#)

(a) As used in this chapter—

(22) The term “national of the United States[\*]” means

(A) a citizen of the United States[\*\*], or

(B) a person who, though not a citizen of the United States[\*\*], owes permanent [but not necessarily exclusive] allegiance to the United States[\*].

People born in states of the Union can and most often do have allegiance to the confederation of states called the “United States” just as readily as people who were born on federal property, and the federal government under the rules of comity should be willing to recognize that allegiance without demanding that such humans surrender their sovereignty, become tax slaves, and come under the exclusive jurisdiction of federal statutes by pretending to be people who live in the federal zone. Not doing so would be an injury and oppression of their rights, and would be a criminal conspiracy against rights, because remember, people who live inside the federal zone have no rights, by the admission of the U.S. Supreme Court in *Downes v. Bidwell*, 182 U.S. 244 (1901):

[TITLE 18 > PART I > CHAPTER 13 > Sec. 241.](#)  
[Sec. 241. - Conspiracy against rights](#)

*If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or*

*If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured -*

*They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death*

It would certainly constitute a conspiracy against rights to force or compel a person to give up their true citizenship status in order to acquire any kind of citizenship recognition from a corrupted federal government. The following ruling by the U.S. Supreme Court plainly agrees with these conclusions:

*“It would be a palpable incongruity to strike down an act of state legislation which, by words of express divestment, seeks to strip the citizen of rights guaranteed by the federal Constitution, but to uphold an act by which the same result is accomplished under the guise of a surrender of a right in exchange for a valuable*

1 *privilege which the state threatens otherwise to withhold. It is not necessary to challenge the proposition that,*  
2 *as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as*  
3 *it sees fit to impose. But the power of the state in that respect is not unlimited, and one of the limitations is*  
4 *that it may not impose conditions which require the relinquishment of Constitutional rights. If the state may*  
5 *compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a*  
6 *surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may*  
7 *thus be manipulated out of existence."*  
8 [*Frost v. Railroad Commission, 271 U.S. 583, 46 S.Ct. 605 (1926)*]

9 Lastly, we will close this section with a list of questions aimed at those who still challenge our position on being a "national  
10 of the United States\*?". If you are going to lock horns with us or throw rocks, please start by answering the following questions  
11 or your inquiry will be ignored. Remember Abraham Lincoln's famous saying: "He has a right to criticize who has a heart  
12 to help.";

13 1. By what authority can a state national get a passport if they are NOT a "national of the United States\*?"

14 22 U.S.C. §212

15 *No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether*  
16 *citizens or not, to the United States*

17  
18 **Title 22: Foreign Relations**  
19 [PART 51—PASSPORTS](#)  
20 [Subpart A—General](#)  
21 [§51.2 Passport issued to nationals only.](#)

22 (a) A United States passport shall be issued only to a national of the United States (22 U.S.C. 212).

23 (b) *Unless authorized by the Department no person shall bear more than one valid or potentially valid U.S.*  
24 *passport at any one time.*

25 [*SD-165, 46 FR 2343, Jan. 9, 1981*]

26 2. Is the "citizen" mentioned in 8 U.S.C. §1101(a)(22)(A) the SAME "citizen" mentioned in 8 U.S.C. §1401?

27 [Title 8 › Chapter 12 › Subchapter I › § 1101](#)  
28 [8 U.S. Code § 1101 - Definitions](#)

29 (a) *As used in this chapter—*

30 (22) *The term "[national of the United States](#)" means*

31 (A) a citizen of the United States[\*\*], or

32 (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States.

33 2.1. If you assert that the paragraph (A) "citizen of the United States\*?" includes Fourteenth Amendment  
34 CONSTITUTIONAL citizens, then where is the authority to include them, since the U.S. Supreme Court held in  
35 Rogers v. Bellei, 401 U.S. 815 (1971) that 8 U.S.C. §1401 and Fourteenth Amendment CONSTITUTIONAL  
36 citizens are NOT equivalent?

37 2.2. If you assert that the paragraph (A) "citizen of the United States\*?" does NOT include Fourteenth Amendment  
38 CONSTITUTIONAL citizens then you can't avoid agreement with our conclusions about "national" status.

39 3. "Expatriation" is defined in *Perkins v. Elg*, 307 U.S. 325 (1939) as:

40 *"Expatriation is the voluntary renunciation or abandonment of nationality and allegiance."*  
41 [*Perkins v. Elg, 307 U.S. 325; 59 S.Ct. 884; 83 L.Ed. 1320 (1939)*]

How can you abandon your nationality as a "national" or "state national" with the Secretary of the State of the United States under 8 U.S.C. §1481 if you didn't have it to begin with?

4. Naturalization is defined in 8 U.S.C. §1101(a)(23) as:

*8 U.S.C. §1101*

*(a) As used in this chapter—*

*(23) The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "**national**"] of a state upon a person after birth, by any means whatsoever. "*

How can you say a person isn't a "national" after they were naturalized, and if they are, what type of "national" do they become? As a "national" born or naturalized outside of federal jurisdiction and the "United States", do they meet the requirements of 8 U.S.C. §1452 and if not, why not? All law is prima facie territorial. Ex parte Blain, L.R., 12 Ch.Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596.

5. If the Supreme Court declared that the United States\*\*\* defined in the Constitution is not a "nation", but a "society" in *Chisholm v. Georgia*:

*"By that law the several States and Governments spread over our globe, are considered as forming a society, not a NATION. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States, and the legitimate result of that valuable instrument. "*  
*[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793)]*

...then what exactly does it mean to be a "national of the United States\*\*\*" within the meaning of the Constitution and not federal statutes or Title 8 of the U.S. Code?

6. If a "national" is defined in 8 U.S.C. §1101(a)(21) simply as a person who owes "allegiance" to the United States\*\*\*, then why can't a human who lives in a state of the union have allegiance to the confederation of states called the "United States\*\*\*", which the U.S. Supreme Court held above was a "society" and not a "nation". And what would you call that "society", if it wasn't a "nation"? The Supreme Court said in *Hooven and Allison v. Evatt* that there are three geographical definitions of the term "United States" and one of those definitions includes the following, which is what I claim to be a "national" of:

*"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."*  
*[Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)]*

7. How come I can't have allegiance to the "society" called "United States\*\*\*" described in the Constitution and define that "society" as being the country and not the OTHER two types of "United States\*\*" found in federal statutes, which are synonymous with the "federal zone" and not the country?

8. The federal government has exclusive jurisdiction over the following issues:

8.1. "naturalization", under Article 1, Section 8, Clause 4 of the U.S. Constitution.

8.2. The citizenship status of persons born in its territories or possessions.

However, the federal government has no power to determine citizenship by birth of person born in states of the Union, because the Constitution does not confer upon them that power. The only constitutional legislative power the national government has is over NATURALIZATION, not over citizenship at birth. All the cases and authorities that detractors of our position like to cite relate ONLY to the above subject matters, which are all governed exclusively by federal law, which does not apply within states of the Union for this subject matter. Please therefore show us a case that involves a person born in a state of the Union and not on a territory or possession in which the person claimed to be a "national", and show us where the court said they weren't. You absolutely won't find such a case!

## 12.12 Sovereign Immunity of State Nationals

1 There are big legal advantages to being an “American national” or “state national” instead of a “U.S. citizen”. An “American  
2 national” or simply “national” born within and living within a state of the Union is technically the equivalent of an  
3 instrumentality of a “foreign state” under the federal Foreign Sovereign Immunities Act (F.S.I.A.).

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

8 Below is the explanation of a “foreign state” from the Department of State website:

9 Section 1603(b) defines an “agency or instrumentality” of a foreign state as an entity (1) which is a separate legal  
10 person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a  
11 majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof,  
12 and (3) which is neither a citizen of the a state of the United States as defined in Sec. 1332(c) and (d) nor created  
13 under the laws of any third country. An instrumentality of a foreign state includes a corporation, association, or  
14 other juridical person a majority of whose shares or other ownership interests are owned by the state, even when  
15 organized for profit.  
16 [Department of State Website, [http://travel.state.gov/law/info/judicial/judicial\\_693.html](http://travel.state.gov/law/info/judicial/judicial_693.html)]

17 The FSIA itself defines “foreign state” as follows:

18 [TITLE 28 > PART IV > CHAPTER 97 > § 1603](#)  
19 [§ 1603. Definitions](#)

20 For purposes of this chapter—

21 (a) A “foreign state”, except as used in section 1608 of this title, includes a political subdivision of a foreign state  
22 or an agency or instrumentality of a foreign state as defined in subsection (b).

23 (b) An “agency or instrumentality of a foreign state” means any entity—

24 (1) which is a separate legal person, corporate or otherwise, and

25 (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other  
26 ownership interest is owned by a foreign state or political subdivision thereof, and

27 (3) which is neither a citizen of a State of the United States as defined in section 1332 (c) and (d) of this title, nor  
28 created under the laws of any third country.

29 (c) The “United States” includes all territory and waters, continental or insular, subject to the jurisdiction of the  
30 United States.

31 The statute above says in paragraph (b)(3) that a person cannot be an instrumentality of a “foreign state” if they are a CIVIL  
32 “citizen of the United States”, which is exactly the description of a person who is a “national” or “state national” but not a  
33 CIVIL “U.S. citizen”. Under the FSIA, a “nation” is simply a group of people who have their own internal laws to govern  
34 themselves. A church, for instance, qualifies as a self-governing “nation”, if:

- 35 1. It has its own rules and laws (God’s laws)
- 36 2. Its own ecclesiastical courts to govern internal disputes.
- 37 3. None of its members are “U.S. citizens” under 8 U.S.C. §1401.

38 The ministers of such a church are “instrumentalities of a foreign state” within the meaning of the FSIA, and they are immune  
39 from federal suit or IRS collection actions pursued under the authority of federal law. Of course, they cannot be immune  
40 from federal law if they conduct “commerce” with “the Beast” by signing up for any social welfare benefit, because the FSIA  
41 says so:

42 [TITLE 28 > PART IV > CHAPTER 97 > § 1605](#)  
43 [§ 1605. General exceptions to the jurisdictional immunity of a foreign state](#)

44 (a) A foreign state shall not be immune from the jurisdiction of courts of the United States or of the States  
45 in any case—[. . .]

(2) *in which the action is based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere; or upon an act outside the territory of the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States;*

However, so long as members of the church maintain complete economic separation from “the Beast”, they can maintain their status as a “foreign state” and the sovereign immunity that goes with it.

Likewise, a sovereign “American National” also qualifies as a “foreign state” because he participates in the government of a state of the Union, which is “foreign” with respect to the federal government, as you will learn in the next chapter. He is an instrumentality of the foreign state by virtue of his participation in it as:

1. A jurist
2. A voter
3. An elected official.
4. A “taxpayer”.

Those private individuals who believe in God also qualify as ministers and fiduciaries of a “foreign state” as God’s ambassadors and ministers. The name of the “foreign state” is “Heaven” and their home or domicile qualifies as a “foreign embassy”. They are also entitled to diplomatic immunity. See the following page of the Department of State for details on diplomatic immunity:

<http://www.state.gov/ofm/>

If you study the subject of diplomatic immunity as we have, you will learn that such “foreign diplomats” are not subject to the laws of other foreign states, even when resident therein, and are also not subject to taxation of the foreign state. More information is available on this subject below:

*Law and Government Topic*, Section 9: Challenging Jurisdiction, Family Guardian Fellowship  
<http://famguardian.org/Subjects/LawAndGovt/LawAndGovt.htm>

Sovereign American Nationals are also protected by 18 U.S.C. §112, which is as follows:

*TITLE 18 > PART 1 > CHAPTER 7 > § 112*

*112. Protection of foreign officials, official guests, and internationally protected persons*

(a) *Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined under this title or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon, or inflicts bodily injury, shall be fined under this title or imprisoned not more than ten years, or both.*

(b) *Whoever willfully—*

*(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;*

*(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or*

*(3) within the United States and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—*

*(A) a foreign government, including such use as a mission to an international organization;*

*(B) an international organization;*

*(C) a foreign official; or*



(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;

shall be fined under this title or imprisoned not more than six months, or both.

(c) For the purpose of this section “foreign government”, “foreign official”, “internationally protected person”, “international organization”, “national of the United States”, and “official guest” shall have the same meanings as those provided in section 1116 (b) of this title.

The last question we must address about sovereignty is to identify precisely and exactly what activities a sovereign must avoid in order to prevent losing his sovereignty and his legal and judicial immunity within federal courts. This subject is dealt with in the context of the federal Foreign Sovereign Immunities Act (F.S.I.A.), which grants judicial immunity from suit for most foreign states and governments and instrumentalities of foreign states, including states of the Union and the people living within them. The Department of State maintains a website that summarizes the details of the FSIA at:

[http://travel.state.gov/law/info/judicial/judicial\\_693.html](http://travel.state.gov/law/info/judicial/judicial_693.html)

Below is an all-inclusive specific list of exceptions to the FSIA from the above website that cause a sovereign to lose immunity in a federal court and thereby subject themselves to the jurisdiction of the federal court. The numbers are section numbers from the Foreign Sovereign Immunities Act of 1976, which is codified in 28 U.S.C. Chapter 97, starting with section 1602.

1. **1605(a)(1)** - explicit or implicit waiver of immunity by the foreign state;
2. **1605(a)(2)** - commercial activity carried on in the United States [federal zone] or an act performed in the United States in connection with a commercial activity elsewhere, or an act in connection with a commercial activity of a foreign state elsewhere that causes a direct effect in the United States;
3. **1605(a)(3)** - property taken in violation of international law is at issue;
4. **1605(a)(4)** - rights in property in the United States acquired by succession or gift or rights in immovable property situated in the United States are at issue;
5. **1605(a)(5)** - money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States [federal zone] and caused by the tortious act or omission of that foreign state;
6. **1605(a)(6)** - action brought to enforce an agreement made by the foreign state with or for the benefit of a private party to submit to arbitration;
7. **1605(a)(7)** - money damages are sought against a foreign state for personal injury or death that was caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act, if the foreign state is designated as a state sponsor of terrorism under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App 2405(j)) or Section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371).
8. **1605(b)** - a suit in admiralty is brought to enforce a maritime lien against a vessel or cargo of the foreign state which maritime lien is based upon a commercial activity of the foreign state.

From among the list above, the only exceptions that are relevant to American nationals who are not “U.S. citizens” is items #1 and #2 above. First, we’ll talk about #2. Receipt of Social Security benefits, tax deductions, Earned Income Credit, or a graduated rate of tax certainly qualifies as “commercial activity” because all of these benefits can only be claimed by those with income “effectively connected with a trade or business in the United States”. Consequently, it ought to be clear, as we point out throughout this book, that you cannot accept any benefits from the U.S. government that you didn’t earn and still maintain your sovereignty and sovereign immunity in a federal district court. The other important conclusion to be drawn from this exception is that the “commercial activity” must occur in the “United States”, which under the Internal Revenue Code means the District of Columbia. This explains why 26 U.S.C. §7701(a)(39) says that all those CIVIL citizens\*\*+D subject to the code shall be treated as though they reside in the District of Columbia for the purposes of judicial jurisdiction. Is the picture becoming clearer?

The other exception that applies above within the FSIA was #1, which is “explicit or implicit waiver of immunity by the foreign state”. When you sign any federal form under penalty of perjury, you in effect waive your sovereign immunity, because now a federal judge will have jurisdiction to penalize you if you lied on the form. Furthermore, if the form also has the potential to produce a “refund” of taxes paid, you are also meeting exception #2 above because now you are engaging in “commercial activity” with the “United States” as well. This is why it is a bad idea to sign a federal tax form under penalty of perjury without at least qualifying the perjury statement to exclude all other instances of federal jurisdiction, so as to ensure that you continue to enjoy sovereign immunity.

The one hypocrisy with the FSIA is that it doesn't apply to the relationship between the U.S. government and an American national who has been harmed by the government. For instance, if they stole money from you, then you need their permission to recover it because you can't sue the U.S. government without its permission. The reverse, however, is frequently not true. Therefore, being a foreign sovereign by virtue of being an "American national" who is not also a "U.S. citizen" is at least one example where Americans are deprived of "the equal protection of the laws" mandated by Section 1 of the Fourteenth Amendment. Our society is based on the "equal protection of the laws", and therefore this would appear to be an injustice that must be righted eventually by our courts.

## 12.13 Conclusions

Our conclusions then to the matters at our disposal are the following based on the above reasonable analysis:

1. The "United States\*\*\*\*" defined in Section 1 of the Fourteenth Amendment means the states of the Union while the "United States\*\*\*" appearing in federal statutes in most cases, means the federal zone. For instance, the definition of "United States\*\*\*" relating to citizenship and found in 8 U.S.C. §1101(a)(38) means the federal zone, as we prove in the following:

Tax Deposition Questions, Form #03.016, Questions 77 through 82  
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section 14.htm>.

2. Most Americans, and especially those born in and living within states of the Union are POLITICAL "nationals" or "state nationals" rather than CIVIL "U.S. citizens", or "U.S. nationals" under all "Acts of Congress" and federal statutes. The Internal Revenue Code is an "act of Congress" and a federal statute.
3. The government has deliberately tried to confuse and obfuscate the laws on citizenship to fool the average American into incorrectly declaring that they are "U.S. citizens" in order to be subject to their laws and come under their jurisdiction. See section 4.12.13 of our Great IRS Hoax, Form #11.302 book for complete details on how they have done it.
4. The courts have not lived up to their role in challenging unconstitutional exercises of power by the other branches of government or in protecting our Constitutional rights. They are on the take like everyone else who works in the federal government and have conspired with the other branches of government in illegally expanding federal jurisdiction.
5. Once the feds used this ruse with words to get Americans under their corrupted jurisdiction as statutory "U.S. citizens" and presumed "taxpayers", our federal "servants" have then made themselves into the "masters" by subjecting sovereign Americans to their corrupted laws within the federal zone that can disregard the Constitution because the Constitution doesn't apply in these areas. By so doing, they can illegally enforce their income tax laws and abuse their powers to plunder the assets, property, labor, and lives of most Americans in the covetous pursuit of money that the law and the Constitution did not otherwise entitle them to. This act to subvert the operation of the Constitution amounts to an act of war and treason on the sovereignty of Americans and the sovereign states that they are domiciled in, punishable under Article III, Clause 3 of the U.S. Constitution with death by execution.

If you would like to read a law review article on the subject of who are "non-citizen nationals of the United States\*\*", please see:

Our Non-Citizen Nationals, Who are They?, California Law Review, Vol. XIII, Sept. 1934, Number 6, pp. 593-635, SEDM Exhibit #01.010  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

## 13. SUMMARY OF CONSTRAINTS APPLYING TO STATUTORY "STATE NATIONAL" STATUS

So basically, if you owe allegiance to your state and are a constitutional "citizen" of that state, you are a "national" under federal law. But how does that affect one's voting rights? Below is the answer for California:

CALIFORNIA CONSTITUTION  
ARTICLE 2 VOTING, INITIATIVE AND REFERENDUM, AND RECALL

SEC. 2. A United States[\*\*] citizen 18 years of age and resident in this State may vote.

The situation may be different for other states. If you are domiciled in a state other than California, you will need to check the laws of your specific home state in order to determine whether the prohibition against voting applies to "nationals" in

your state. If authorities give you a bad time about trying to register to vote without being a STATUTORY “U.S.\*\* citizen”, then show them the Declaration of Independence, which says:

*“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—*

Emphasize that it doesn’t say “endowed by their government” or “endowed by their federal citizenship” or “endowed by their registrar of voters”, but instead “endowed by their CREATOR”. The rights to life, liberty, and the pursuit of happiness certainly include suffrage and the right to own property. Suffrage is necessary in turn to protect personal property from encroachment by the government and socialistic fellow citizens. These are not “privileges” that result from *federal citizenship*. They are rights that result from birth! Thomas Jefferson said so:

*“A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate.”  
[Thomas Jefferson: Rights of British America, 1774. ME 1:209, Papers 1:134]*

*“Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with His wrath?”  
[Thomas Jefferson: Notes on Virginia Q.XVIII, 1782. ME 2:227 ]*

We will now analyze the constraints applying to “nationals” :

#### 1. Right to vote:

- 1.1. “nationals” or “state nationals” can register to vote under laws in most states but must be careful how they describe their status on the voter registration application.
- 1.2. Some state voter registration forms have a formal affidavit by which signer swears, under penalties of perjury, that s/he is a “citizen of the United States\*\*” or a “U.S.\*\* citizen”.
- 1.3. Such completed affidavits become admissible evidence and conclusive proof that signer is a “citizen of the United States\*\*” under federal statutes, which is not the same thing as a “national” or “state national”.

#### 2. Right to serve on jury duty:

- 2.1. “nationals” or “state nationals” can serve on jury duty under most state laws. If your state gives you trouble by not allowing you to serve on jury duty as a “national”, you are admonished to litigate to regain your voting rights and change state law.
  - 2.2. Some state jury summons forms have a section that allows persons to disqualify themselves from serving on jury duty if they do not claim to be “citizens of the United States\*\*”. We should return the summons form with an affidavit claiming that we want to serve on jury duty and are “nationals” rather than “citizens” of the United States\*\*. If they then disqualify us from serving on jury duty, we should litigate to regain our right to serve on juries.
3. The exercise of federal citizenship, including voting and serving on jury duty, is a statutory privilege which can be created, taxed, regulated and even revoked by Congress! Please reread section 4.4.12 of The Great IRS Hoax, Form #11.302 book about “Government instituted slavery using privileges” for clarification on what this means. In effect, the government, through operation of law, has transformed a right into a taxable privilege, .
  4. The exercise of “national” Citizenship is an unalienable Right which Congress cannot tax, regulate or revoke under any circumstances.
  5. Such a Right is guaranteed by the U.S. Constitution, which Congress cannot amend without the consent of three-fourths of the Union States.

## 14. CITIZENSHIP, DOMICILE, AND TAX STATUS OPTIONS SUMMARY

*“Dolus versatur generalibus. A deceiver deals in generals. 2 Co. 34.”*

*“Fraus latet in generalibus. Fraud lies hid in general expressions.”*

*Generale nihil certum implicat. A general expression implies nothing certain. 2 Co. 34.*

*Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right. 10 Co. 78.  
[Bouvier’s Maxims of Law, 1856]*

1 “General expressions”, and especially those relating to geographical terms, franchise statuses, or citizenship, are the biggest  
2 source of FRAUD in courtrooms across the country. By “general expressions”, we mean those which:

- 3 1. The speaker is either not accountable or **REFUSES to be accountable** for the accuracy or truthfulness or definition of  
4 the word or expression.
- 5 2. Fail to recognize that there are multiple contexts in which the word could be used.
  - 6 2.1. CONSTITUTIONAL (States of the Union).
  - 7 2.2. STATUTORY (federal territory).
- 8 3. Are susceptible to two or more CONTEXTS or interpretations, one of which the government representative  
9 interpreting the context stands to benefit from handsomely. Thus, “equivocation” is undertaken, in which they TELL  
10 you they mean the CONSTITUTIONAL interpretation but after receiving your form or pleading, interpret it to mean  
11 the STATUTORY context.

12 [equivocation](#)

13 *EQUIVOCATION, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double*  
14 *signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow*  
15 *men. Equivocation is incompatible with the Christian character and profession.*

16 [SOURCE: <http://1828.mshaffer.com/d/search/word,equivocation/>]

17

18 *Equivocation ("to call by the same name") is an informal logical fallacy. It is the misleading use of a term with*  
19 *more than one meaning or sense (by glossing over which meaning is intended at a particular time). It generally*  
20 *occurs with polysemic words (words with multiple meanings).*

21 *Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only*  
22 *occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument*  
23 *appear to have the same meaning throughout.*

24 *It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the*  
25 *word or phrase clear, and amphiboly (or syntactical ambiguity), which refers to ambiguous sentence structure*  
26 *due to punctuation or syntax.*

27 [Wikipedia: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation/>]

- 28 4. **PRESUME** that all contexts are equivalent, meaning that CONSTITUTIONAL and STATUTORY are equivalent.
- 29 5. Fail to identify the specific context implied on the form.
- 30 6. Fail to provide an actionable definition for the term that is useful as evidence in court.
- 31 7. Government representatives actively interfere with or even penalize efforts by the applicant to define the context of the  
32 terms so that they can protect their right to make injurious presumptions about their meaning.
- 33 8. The Bible calls people who engage in equivocation or who try to create confusion “double minded”. They are also  
34 equated with “hypocrites”. Here is what God says about double minded people:

35 *“I hate the **double-minded**, But I love Your law.”*  
36 *[Psalm 119:113, Bible, NKJV]*

37 *“Cleanse your hands, you sinners; and purify your hearts, you **double-minded**.”*  
38 *[James 4:8, Bible, NKJV]*

39 Pictures really are worth a THOUSAND words. There is no better place we know of to use a picture to describe relationship  
40 than in the context of citizenship, domicile, and residency. Below are tables summarizing citizenship status v. Tax status.  
41 After that, we show a graphical diagram that makes the relationships perfectly clear. Finally, after the graphical diagram,  
42 we present a text summary for all the legal rules that govern transitioning between the various citizenship and domicile  
43 conditions described. If you want a terse handout for convenient use at depositions and to attach to government forms which  
44 contains the information in this section, see:

<i>Citizenship, Domicile, and Tax Status Options</i> , Form #10.003 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
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## 14.1 The Four "United States"

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

**Table 1: Geographical terms used throughout this page**

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

In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term "United States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we identify THIS context as "United States\*\*\*\*" or "United States<sup>4</sup>". The only types of "persons" within THIS context are public offices within the national and not state government. It is THIS context in which "sources within the United States" is used for the purposes of "income" and "gross income" within the Internal Revenue Code, as proven by:

Non-Resident Non-Person Position, Form #05.020, Section 5.6

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

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

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Presumption.pdf>

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

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

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

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

4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible eminent domain using presumption and words of art".
5. Judges are unconstitutionally delegated undue discretion and "arbitrary power" to unlawfully enlarge federal jurisdiction. See:

Federal Jurisdiction, Form #05.018

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf>

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

1. PRESUME that ALL of the four contexts for "United States" are equivalent.
2. PRESUME that POLITICAL citizens\* and CIVIL citizens\*\*+D are EQUIVALENT under federal law. They are NOT. A POLITICAL citizen is a "non-resident " under federal civil law. See:



Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

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

5. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a CIVIL citizen\*\*+D under 8 U.S.C. §7701(a)(30).

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

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

Legal Deception, Propaganda, and Fraud, Form #05.014

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

8. PRESUME that STATUTORY diversity of citizenship under 28 U.S.C. §1332 and CONSTITUTIONAL diversity of citizenship under Article III, Section 2 of the United States Constitution are equivalent.

8.1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive.

8.2. The STATUTORY definition of "State" in 28 U.S.C. §1332(e) is a federal territory. The definition of "State" in the CONSTITUTION is a State of the Union and NOT federal territory.

8.3. They try to increase this confusion by dismissing diversity cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on "diversity of CITIZENSHIP" and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term "CITIZENSHIP" is invoked. See *Lamm v. Bekins Van Lines, Co*, 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001) ("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]verments of residence are wholly insufficient for purposes of removal.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.").

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

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

Reasonable Belief About Income Tax Liability, Form #05.007

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

The above types of abuse are what is referred to as "equivocation":

[equivocation](#)

*EQUIVOCATION*, n. Ambiguity of speech; the use of words or expressions that are susceptible of a double signification. Hypocrites are often guilty of equivocation, and by this means lose the confidence of their fellow men. *Equivocation is incompatible with the christian character and profession.*  
[SOURCE: <http://1828.mshaffer.com/d/search/word.equivocation/>]

*Equivocation* ("to call by the same name") is an [informal logical fallacy](#). It is the misleading use of a term with more than one [meaning](#) or [sense](#) (by glossing over which meaning is intended at a particular time). It generally occurs with [polysemic](#) words (words with multiple meanings).

Albeit in common parlance it is used in a variety of contexts, when discussed as a fallacy, equivocation only occurs when the arguer makes a word or phrase employed in two (or more) different senses in an argument appear to have the same meaning throughout.

It is therefore distinct from (semantic) ambiguity, which means that the context doesn't make the meaning of the word or phrase clear, and amphiboly (or syntactical ambiguity), which refers to ambiguous sentence structure due to punctuation or syntax.  
[Wikipedia topic: Equivocation, Downloaded 9/15/2015; SOURCE: <https://en.wikipedia.org/wiki/Equivocation>]

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

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

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

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

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

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

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

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

For further details on the meaning of "United States" in its TWO separate and distinct contexts, CONSTITUTIONAL, and STATUTORY, and how they are deliberately confused and abused to unlawfully create jurisdiction that does not otherwise lawfully exist, see:

1. Legal Deception, Propaganda, and Fraud, Form #05.014, Sections 15.2, 15.6  
<http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
2. Non-Resident Non-Person Position, Form #05.020, Section 4  
<http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>
3. A Detailed Study into the Meaning of the term "United States" found in the Internal Revenue Code-Family Guardian Fellowship
  - 3.1. HTML Version  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/Definitions/freemaninvestigation.htm>
  - 3.2. Acrobat Version  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/Definitions/freemaninvestigation.pdf>
  - 3.3. Zipped version  
<http://famguardian.org/Subjects/Taxes/ChallJurisdiction/Definitions/freemaninvestigation.zip>
4. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "United States"

## 14.2 Civil/Statutory v. Political/Constitutional contexts

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

1. Political/Constitutional.
  - 1.1. This is connected with NATIONALITY.
  - 1.2. We call these "Citizens\*" on our website.
2. Civil/Statutory.
  - 2.1. This is connected with DOMICILE.
  - 2.2. We call these "Citizens\*\*+D" on our website.

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

1. "State"
2. "United States"
3. "alien"
4. "citizen"
5. "resident"
6. "U.S. person"

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

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

The U.S. Constitution creates a public trust which is the delegation of authority order that the U.S. Government uses to manage federal territory and property. That property includes franchises, such as the "trade or business" franchise. All statutory civil law it creates can and does regulate only THAT property and not the constitutional States, which are foreign, sovereign, and statutory "non-resident non-persons" (Form #05.020) for the purposes of federal legislative jurisdiction.

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

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

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

6. A human being domiciled in a Constitutional state and born or naturalized anywhere in the Union. These are:
  - 6.1. A national pursuant to [8 U.S.C. §1101](#)(a)(21).

- 6.2. A "national of the United States" pursuant to [8 U.S.C. §1101\(a\)\(22\)](#).
- 6.3. A CIVIL "non-resident non-person" if exclusively PRIVATE and not engaged in a public office.
- 6.4. A CIVIL "nonresident alien" (26 U.S.C. §7701(b)(1)(B)) in relation to the national government if they lawfully serve in a public office.
7. You can be a CIVIL "nonresident alien" pursuant to 26 U.S.C. §7701(b)(1)(B) and a constitutional or Fourteenth Amendment "Citizen" AT THE SAME TIME. Why? Because the Supreme Court ruled in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945), that there are THREE different and mutually exclusive "United States", and therefore THREE types of "citizens of the United States". Here is an example:

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

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

[Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien](#), Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

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

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

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

- 9.1. [Affidavit of Citizenship, Domicile, and Tax Status](#), Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>
- 9.2. [Tax Form Attachment](#), Form #04.201  
<http://sedm.org/Forms/FormIndex.htm>

We started off section 14 with maxims of law proving that "a deceiver deals in generals". Anyone who refuses to identify the precise context, civil/statutory or political/constitutional, for EVERY "term of art" they are using in the legal field ABSOLUTELY IS A DECEIVER.

### 14.3 Civil/Domiciled v. Political/Constitutional Citizens

*"When words lose their meaning [or their CONTEXT WHICH ESTABLISHES THEIR MEANING], people lose their freedom."  
[Confucius (551 BCE - 479 BCE) Chinese thinker and social philosopher]*

CIVIL/statutory citizenship is a legal status that designates a person's domicile while POLITICAL/constitutional citizenship is a political status that designates a person's nationality. Understanding the distinction between nationality and domicile is absolutely critical.

#### 1. Nationality:

- 1.1. Is a political status.
- 1.2. Is NONGEOGRAPHICAL. You can have ALLEGIANCE ANYWHERE you physically are.
- 1.3. Is not necessarily consensual or discretionary. For instance, acquiring nationality by birth in a specific place was not a matter of choice whereas acquiring it by naturalization is.
- 1.4. Is defined by the Constitution, which is a political document.
- 1.5. Is ALSO defined by Title 8 of the U.S. Code, which mixes both political law and civil law for territories and possessions.
- 1.6. Is synonymous with being a “national” within statutory law.
- 1.7. Is associated with a specific COUNTRY.
- 1.8. Is called a “political citizen” or a “citizen of the United States in a political sense” by the courts to distinguish it from a STATUTORY citizen. See *Powe v. United States*, 109 F.2d. 147 (1940).

2. Domicile:

- 2.1. Is a civil status.
- 2.2. Is ALWAYS GEOGRAPHICAL. You can't have a domicile that is NOT tied to a specific physical geographical place. It is ALWAYS tied to definitions relating to the GEOGRAPHICAL context for the word used. For instance "U.S. person" in [26 U.S.C. §7701\(a\)\(30\)](#).
- 2.3. Always requires your consent and therefore is discretionary. See:  

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<http://sedm.org/Forms/FormIndex.htm>
- 2.4. Is not even addressed in the constitution.
- 2.5. Is defined by civil statutory law RATHER than the constitution.
- 2.6. Is in NO WAY connected with one’s nationality.
- 2.7. Is usually connected with the word “person”, “citizen”, “resident”, or “inhabitant” in statutory law.
- 2.8. Is associated with a specific COUNTY and a STATE rather than a COUNTRY.
- 2.9. Implies one is a “SUBJECT” of a SPECIFIC MUNICIPAL but not NATIONAL government.

Nationality and domicile, TOGETHER determine the political/CONSTITUTIONAL AND civil/STATUTORY status of a human being respectively. These important distinctions are recognized in Black’s Law Dictionary:

*“nationality – That quality or character which arises from the fact of a person's belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil [statutory] status. Nationality arises either by birth or by naturalization.”*  
[Black’s Law Dictionary (6th ed. 1990), p. 1025]

President Barack Obama affirmed our assertions that there are TWO components to your citizenship status at the end of his State of the Union address given on 2/12/2013:

*President Obama Recognizes separate POLITICAL and LEGAL components of citizenship*, Exhibit #01.013  
EXHIBITS PAGE: <http://sedm.org/Exhibits/ExhibitIndex.htm>  
DIRECT LINK: <https://youtu.be/y7PhoqGi4fQ>

The U.S. Supreme Court also confirmed the above when they held the following. Note the key phrase “political jurisdiction”, which is NOT the same as civil/legislative/statutory jurisdiction. One can have a political status of “citizen” under the constitution while NOT being a “citizen” under federal statutory law because not domiciled on federal territory. To have the status of “citizen” under federal statutory law, one must have a domicile on federal territory:

*“This section contemplates two sources of citizenship, and two sources only, birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”*  
[*U.S. v. Wong Kim Ark*, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

*“This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or naturalized*



citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly all respects, his and their condition as to the duties and burdens of Government are undistinguishable.”  
[Fong Yue Ting v. United States, [149 U.S. 698](#) (1893) ]

Notice in the last quote above that they referred to a foreign national born in another country as a “citizen” of THIS country. THIS is the REAL “citizen” (a domiciled foreign national) that judges and even tax withholding documents are really talking about, rather than the “national” or “citizen” described in the constitution of the United States of America.

POLITICAL citizens\* (26 C.F.R. §1.1-1(c)) and CIVIL citizens\*\*+D (26 C.F.R. §1.1-1(a) and (b)) are the ONLY type of “citizens” mentioned in the entire Internal Revenue Code.

Title 26: Internal Revenue  
PART 1—INCOME TAXES  
Normal Taxes and Surtaxes  
§ 1.1-1 Income tax on individuals.

(a) General rule.

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

[ . . . ]

(c) Who is a citizen.

Every person [“person” as used in 26 U.S.C. §6671(b) and 26 U.S.C. §7343, which both collectively are officers or employees of a corporation or a partnership with the United States government] born or naturalized in the United States and subject to its jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1401–1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481–1489), *Schneider v. Rusk*, (1964) 377 U.S. 163, and Rev. Rul. 70–506, C.B. 1970–2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

[SOURCE: <http://law.justia.com/cfr/title26/26-1.0.1.1.0.1.2.html>]

The CIVIL/DOMICILE/STATUTORY citizen\*\*+D described in 26 C.F.R. §1.1-1(a) and (b) can include any American national described in 26 C.F.R. §1.1-1(c). Anyone who claims an American national, also called a POLITICAL citizen\*, is equivalent to a CIVIL/STATUTORY “U.S.[\*\*] citizen[\*]” subject to the income tax is engaging in criminal identity theft as documented in the following. They are also criminally impersonating a “U.S. citizen” in violation of 18 U.S.C. §911:

Government Identity Theft, Form #05.046  
<http://sedm.org/Forms/FormIndex.htm>

Domicile and NOT nationality is what imputes a civil status under the tax code and a liability for tax. Tax liability is a civil liability that attaches to civil statutory law, which in turn attaches to the person through their choice of domicile. When you CHOOSE a domicile, you elect or nominate a protector, which in turn gives rise to an obligation to pay for the civil protection demanded. The method of providing that protection is the civil laws of the municipal (as in COUNTY) jurisdiction that you chose a domicile within.

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

Later versions of Black's Law Dictionary attempt to cloud this important distinction between nationality and domicile in order to unlawfully and unconstitutionally expand federal power into the states of the Union and to give federal judges unnecessary and unwarranted discretion to kidnap people into their jurisdiction using false presumptions. They do this by trying to make you believe that domicile and nationality are equivalent, when they are EMPHATICALLY NOT. Here is an example:

*"nationality – The relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state; membership in a nation. **This term is often used synonymously with citizenship.**"*  
[Black's Law Dictionary (8th ed. 2004)]

Federal courts regard the term "citizenship" as equivalent to domicile, meaning domicile on federal territory.

***"The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L.&W.R.Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557;"***  
[Black's Law Dictionary, Fourth Edition, p. 310]

Hence:

1. The term "citizenship" is being stealthily used by government officials as a magic word that allows them to hide their presumptions about your status. Sometimes they use it to mean NATIONALITY, and sometimes they use it to mean DOMICILE.
2. The use of the word "citizenship" should therefore be AVOIDED when dealing with the government because its meaning is unclear and leaves too much discretion to judges and prosecutors.
3. When someone from any government uses the word "citizenship", you should:
  - 3.1. Tell them NOT to use the word, and instead to use "nationality" or "domicile".
  - 3.2. Ask them whether they mean "nationality" or "domicile".
  - 3.3. Ask them WHICH political subdivision they imply a domicile within: federal territory or a constitutional state of the Union.

A failure to either understand or apply the above concepts can literally mean the difference between being a government pet in a legal cage called a franchise, and being a free and sovereign man or woman.

#### **14.4 Citizenship Status v. Tax Status**

**Table 16: “Citizenship status” vs. “Income tax status”**

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 C.F.R. §1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	“Non-resident NON-person” (NOT defined)
1	“national and citizen of the United States* at birth” or “U.S.* citizen”	Political “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	NA	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	Yes (only pay income tax abroad with IRS Forms 1040/2555. See Cook v. Tait, 265 U.S. 47 (1924))	No	No	No
2	“non-citizen national of the United States** at birth” or “U.S.** national”	Political “United States” pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the “outlying possessions of the United States” pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swain’s Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	NA	8 U.S.C. §1408; 8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1452	No (see 26 U.S.C. §7701(b)(1)(B))	No	Yes (see IRS Form 1040NR for proof)	No
3.1	“U.S.A.*** national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	State of the Union	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	No	No	No	Yes
3.2	“U.S.A.*** national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	Foreign country	Yes	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	No	No	Yes	No
3.3	“U.S.A.*** national” or “state national” or “Constitutional but not statutory U.S.*** citizen”	Constitutional Union state	Foreign country	No	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	No	No	No	Yes

#	Citizenship status	Place of birth	Domicile	Accepting tax treaty benefits?	Defined in	Tax Status under 26 U.S.C./Internal Revenue Code			
						“Citizen” (defined in 26 C.F.R. §1.1-1)	“Resident alien” (defined in 26 U.S.C. §7701(b)(1)(A), 26 C.F.R. §1.1441-1(c)(3)(i) and 26 C.F.R. §1.1-1(a)(2)(ii))	“Nonresident alien INDIVIDUAL” (defined in 26 U.S.C. §7701(b)(1)(B) and 26 C.F.R. §1.1441-1(c)(3))	“Non-resident NON-person” (NOT defined)
3.4	Statutory “citizen of the United States***” or Statutory “U.S.** citizen”	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA (ACTA agreement)	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1; 8 U.S.C. §1101(a)(22)(A)	Yes	No	No	No
4.1	“alien” or “Foreign national”	Foreign country	Puerto Rico, Guam, Virgin Islands, Commonwealth of Northern Mariana Islands	NA	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	Yes	No	No
4.2	“alien” or “Foreign national”	Foreign country	State of the Union	Yes	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	Yes	No
4.3	“alien” or “Foreign national”	Foreign country	State of the Union	No	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	No	No	No	Yes
4.4	“alien” or “Foreign national”	Foreign country	Foreign country	Yes	8 U.S.C. §1101(a)(21)	No	No	Yes	No
4.5	“alien” or “Foreign national”	Foreign country	Foreign country	No	8 U.S.C. §1101(a)(21)	No	No	No	Yes

1

1 NOTES:

- 2 1. Domicile is a prerequisite to having any civil status per Federal Rule of Civil Procedure 17. One therefore cannot be a statutory "alien" under 8 U.S.C. §1101(a)(3)
- 3 without a domicile on federal territory. Without such a domicile, you are a transient foreigner and neither an "alien" nor a "nonresident alien".
- 4 2. "United States" is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory and possessions and excludes all Constitutional
- 5 Union states. This is a product of the separation of powers doctrine that is the heart of the United States Constitution.
- 6 3. A "nonresident alien individual" who has made an election under 26 U.S.C. §6013(g) and (h) to be treated as a "resident alien" is treated as a "nonresident alien" for
- 7 the purposes of withholding under Internal Revenue Code (I.R.C.) Subtitle C but retains their status as a "resident alien" under Internal Revenue Code (I.R.C.) Subtitle
- 8 A. See 26 C.F.R. §1.1441-1(c)(3)(ii) for the definition of "individual", which means "alien"..
- 9 4. A "non-person" is really just a transient foreigner who is not "purposefully availing themselves" of commerce within the legislative jurisdiction of the United States
- 10 on federal territory under the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. The real transition from a "NON-person" to an "individual"
- 11 occurs when one:
- 12 4.1. "Purposefully avails himself" of commerce on federal territory and thus waives sovereign immunity. Examples of such purposeful availment are the next
- 13 three items.
- 14 4.2. Lawfully and consensually occupying a public office in the U.S. government and thereby being an "officer and individual" as identified in 5 U.S.C. §2105(a).
- 15 Otherwise, you are PRIVATE and therefore beyond the civil legislative jurisdiction of the national government.
- 16 4.3. Voluntarily files an IRS Form 1040 as a citizen or resident abroad and takes the foreign tax deduction under 26 U.S.C. §911. This too is essentially an act of
- 17 "purposeful availment". Nonresidents are not mentioned in section 911. The upper left corner of the form identifies the filer as a "U.S. individual". You
- 18 cannot be an "U.S. individual" without ALSO being an "individual". All the "trade or business" deductions on the form presume the applicant is a public
- 19 officer, and therefore the "individual" on the form is REALLY a public officer in the government and would be committing FRAUD if he or she was NOT.
- 20 4.4. VOLUNTARILY fills out an IRS Form W-7 ITIN Application (IRS identifies the applicant as an "individual") AND only uses the assigned number in
- 21 connection with their compensation as an elected or appointed public officer. Using it in connection with PRIVATE earnings is FRAUD.
- 22 5. What turns a "non-resident NON-person" into a "nonresident alien individual" is meeting one or more of the following two criteria:
- 23 5.1. Residence/domicile in a foreign country under the residence article of an income tax treaty and 26 C.F.R. §301.7701(b)-7(a)(1).
- 24 5.2. Residence/domicile as an alien in Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as
- 25 determined under 26 C.F.R. §301.7701(b)-1(d).



## 14.5 Effect of Domicile on Citizenship Status

**Table 17: Effect of domicile on citizenship status**

Description	CONDITION		
	Domicile WITHIN the FEDERAL ZONE and located in FEDERAL ZONE	Domicile WITHIN the FEDERAL ZONE and temporarily located abroad in foreign country	Domicile WITHOUT the FEDERAL ZONE and located WITHOUT the FEDERAL ZONE
Location of domicile	“United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and <a href="#">(a)(10)</a> , <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>	“United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and <a href="#">(a)(10)</a> , <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>	Without the “United States” per <a href="#">26 U.S.C. §§7701(a)(9)</a> and <a href="#">(a)(10)</a> , <a href="#">7701(a)(39)</a> , <a href="#">7408(d)</a>
Physical location	Federal territories, possessions, and the District of Columbia	Foreign nations ONLY (NOT states of the Union)	Foreign nations states of the Union Federal possessions
Tax Status	“U.S. Person” <a href="#">26 U.S.C. §7701(a)(30)</a>	“U.S. Person” <a href="#">26 U.S.C. §7701(a)(30)</a>	“Nonresident alien individual” if a public officer in the U.S. government. <a href="#">26 C.F.R. §1.1441-1(c)(3)</a> for the definition of “individual”. “Non-resident NON-person” if NOT a public officer in the U.S. government
Tax form(s) to file	IRS Form 1040	IRS Form 1040 plus 2555	<u>IRS Form 1040NR</u> : “alien individuals”, “nonresident alien individuals” <u>No filing requirement</u> : “non-resident NON-person”
Status if DOMESTIC “national of the United States**”	“national and citizen of the United States** at birth” per <a href="#">8 U.S.C. §1401</a> and “citizen of the United States**” per <a href="#">8 U.S.C. §1101(a)(22)(A)</a> if born in on federal territory. (Not required to file if physically present in the “United States” because no statute requires it)	Citizen abroad <a href="#">26 U.S.C. §911</a> (Meets presence test)	“non-resident” if born in a state of the Union <a href="#">8 U.S.C. §1408</a> , <a href="#">8 U.S.C. §1452</a> , and <a href="#">8 U.S.C. §1101(a)(22)(B)</a> if born in a possession.
Status if FOREIGN “national” pursuant to <a href="#">8 U.S.C. §1101(a)(21)</a>	“Resident alien” <a href="#">26 U.S.C. §7701(b)(1)(A)</a>	“Resident alien abroad” <a href="#">26 U.S.C. §911</a> (Meets presence test)	“Nonresident alien individual” if a public officer in the U.S. government. <a href="#">26 C.F.R. §1.1441-1(c)(3)</a> for the definition of “individual”. “Non-resident NON-person” if NOT a public officer in the U.S. government

### NOTES:

1. “United States” is defined as federal territory within [26 U.S.C. §§7701\(a\)\(9\)](#) and [\(a\)\(10\)](#), [7701\(a\)\(39\)](#), and [7408\(d\)](#), and [4 U.S.C. §110\(d\)](#). It includes a constitutional state of the union, but ONLY among those who have made a CIVIL “U.S. person” election under [26 U.S.C. §7701\(a\)\(30\)](#). Otherwise, constitutional states are legislatively foreign among American nationals by default, who are “nonresident aliens” WITHOUT the election.
2. The “District of Columbia” is defined as a federal corporation but not a physical place, a “body politic”, or a de jure “government” within the District of Columbia Act of 1871, 16 Stat. 419, 426, Sec. 34. See:

3. “nationals” of the United States\*\*\* of America who are domiciled outside of federal jurisdiction, either in a state of the Union or a foreign country, are “nationals” but not “citizens” under federal law. They also qualify as “nonresident aliens” under [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) if and only if they are engaged in a public office or “non-resident non-persons” if not engaged in a public office. See sections 4.11.2 of the *Great IRS Hoax*, Form #11.302 for details.
4. Temporary domicile in the middle column on the right must meet the requirements of the “Presence test” documented in IRS publications.
5. “FEDERAL ZONE”=District of Columbia and territories of the United States in the above table

## 14.6 Citizenship and Domicile Options and Relationships

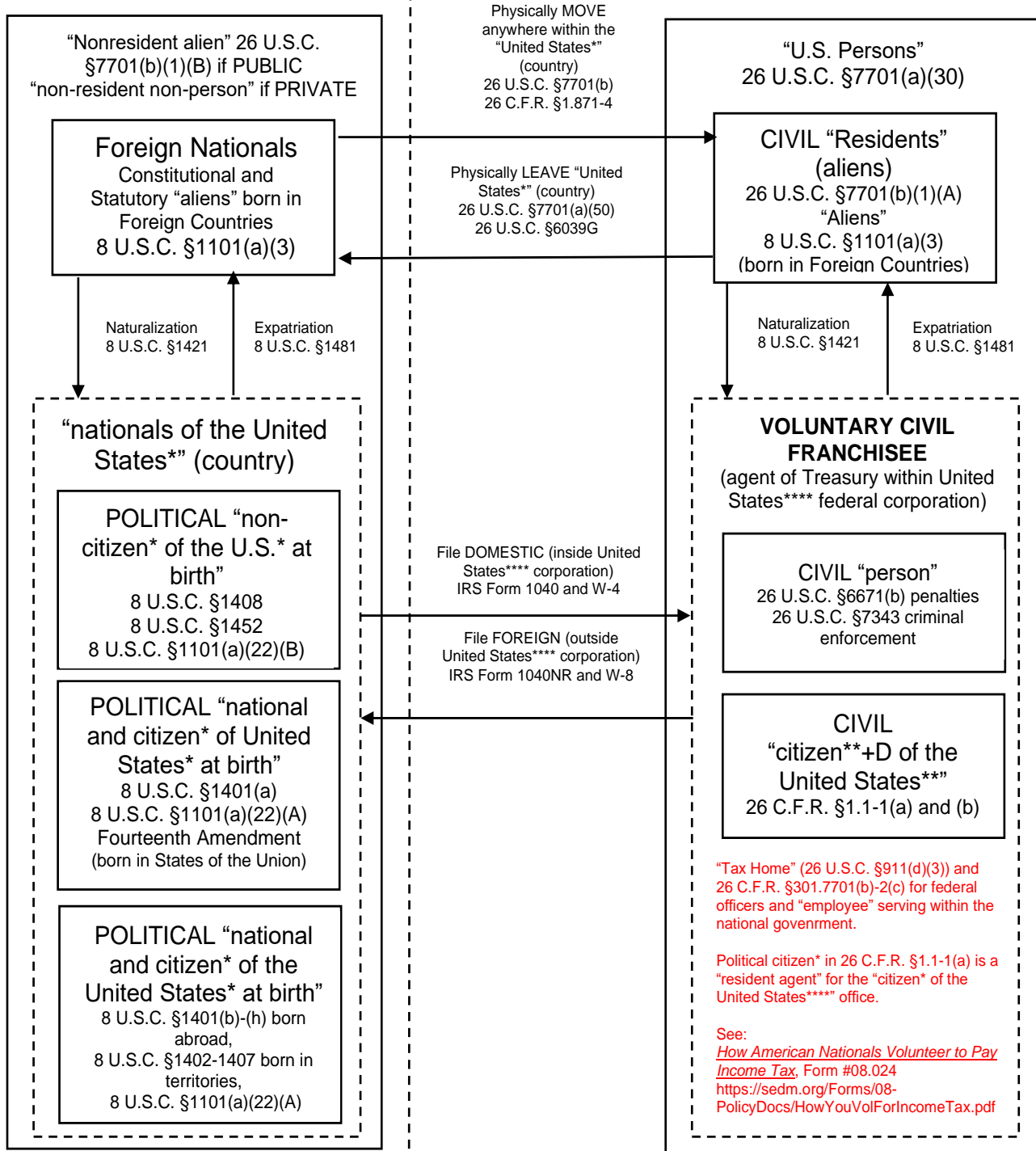
**Figure 3: Citizenship and domicile options and relationships**

## FOREIGN

Domiciled within States of the Union or Foreign Countries WITHOUT the "United States\*\*"

## DOMESTIC

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



**NOTES:**

1. The LEGAL separation between the LEFT and RIGHT sides is described in:

*Separation Between Public and Private Course*, Form #12.025

<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

2. People on the LEFT side of the diagram can ONLY be connected to a status on the right side by CONSENT, whether overt or covert, as described in:

*How American Nationals Volunteer to Pay Income Tax*, Form #08.024

<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

3. The RIGHT side of the above diagram labeled “DOMESTIC” is synonymous with:

3.1. PUBLIC.

3.2. Defined, created and ABSOLUTELY OWNED by Congress as PUBLIC PROPERTY in 26 U.S.C. §7701(a)(4).

3.3. Created and organized by ONLY by a pagan civil ruler (man) and his idolatrous law that worships false idols.

3.4. Protected ONLY by the civil statutory franchise Code called the Internal Revenue Code and NOT the constitutional or the common law.

3.5. A CIVIL franchise status that you must VOLUNTEER for. The process of volunteering makes you SURETY for an office in the U.S. government without pay, and literally makes you a slave and a peon to pay off an endlessly growing mountain of public debt that will never be paid off. Be an obedient lemming and jump off that cliff, will you?

3.6. A fiction of law engineered by Congress to offer FRANCHISE services in a Constitutional state that the Constitution DOES NOT expressly authorize and which are therefore UNCONSTITUTIONAL.

3.7. Since it relates to being INTERNAL to the United States\*\*\*\* federal corporation, this is why:

3.7.1. The IRS is called the INTERNAL Revenue Service.

3.7.2. The franchise code implementing it is called the INTERNAL Revenue Code.

4. The left side labeled FOREIGN is synonymous with:

4.1. PRIVATE.

4.2. Defined in 26 U.S.C. §7701(a)(5), but only in the context of corporations. They can’t legislate for humans until they JOIN privileged corporations and become DOMESTIC.

4.3. Created and organized by ONLY GOD and His law ONLY.

4.4. Protected by the common law and the criminal law and the constitution but not subject to the CIVIL provisions of the Internal Revenue Code.

4.5. Outside the United States\*\*\*\* federal corporation as a physical man or woman.

4.6. A status MANDATED by the First Amendment and your Right to NOT contract so you actually have a CHOICE to leave Babylon and retain your liberty.

5. Changing CIVIL FRANCHISE status from “foreign” on the left to “domestic” on the right can occur EITHER by:

5.1. Physically moving within the COUNTRY United States\* for aliens under 26 U.S.C. §7701(b).

5.2. Making a voluntary “election” to become THE privileged “citizen\* of the United States\*\*\*\*\*” office within the Department of the Treasury as documented in:

*How American Nationals Volunteer to Pay Income Tax*, Form #08.024

<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

6. An act of “election” is an act of CONSENT that converts either YOU or your PROPERTY from PRIVATE to PUBLIC, and thus DONATES either YOU or your PROPERTY to the government FOR FREE. Don’t EVER do that!. For a catalog of all such acts of consent, see:

*Catalog of Elections and Entity Types in the Internal Revenue Code*, FTSIG

<https://ftsig.org/catalog-of-elections-in-the-internal-revenue-code/>

7. The “citizen\* of the United States\*\*\*\*\*” corporation on the right:

7.1. Is the POLITICAL/TERRITORIAL Citizen\* defined in 26 C.F.R. §1.1-1(c) called a “citizen\*\*”.

7.2. PLUS “of the United States\*\*\*\*\*” in 26 C.F.R. §1.1-1(a), where this is the LEGAL/CORPORATE United States\*\*\*\* and not the GEOGRAPHICAL “United States\*\*”.

The above tactic is REPEATED in 26 U.S.C. §7701(a)(30) using the same DECEPTIVE EQUIVOCATION of “United States” that is used in 26 C.F.R. §1.1-1(a).

8. The reason the “citizen\* of the United States\*\*\*\*\*” (corporation) in 26 C.F.R. §1.1-1(a) and 26 U.S.C. §7701(a)(30) had to be engineered as two separate parts that way is explained by the following description of FRANCHISE in the legal encyclopedia. Note that it says a franchise is a special privilege BEYOND that of an ordinary POLITICAL Citizen\*, meaning a “national of the United States\*” or an American National described in 26 C.F.R. §1.1-1(c).



*"In a legal or narrower sense, the term "franchise" is more often used to designate a right or privilege conferred by law,<sup>73</sup> and the view taken in a number of cases is that to be a franchise, the right possessed must be such as cannot be exercised without the express permission of the sovereign power<sup>74</sup> —that is, a privilege or immunity of a public nature which cannot be legally exercised without legislative grant.<sup>75</sup> **It is a privilege conferred by government on an individual or a corporation to do that "which does not belong to the citizens [NATIONALS or "nationals of the United States" who are nonresident aliens] of the country generally by common right."**<sup>76</sup> For example, a right to lay rail or pipes, or to string wires or poles along a public street, is not an ordinary use which everyone may make of the streets, but is a special privilege, or franchise, to be granted for the accomplishment of public objects<sup>77</sup> which, except for the grant, would be a trespass.<sup>78</sup> **In this connection, the term "franchise" has sometimes been***

<sup>73</sup> People ex rel. Fitz Henry v. Union Gas & E. Co. 254 Ill. 395, 98 N.E. 768; State ex rel. Bradford v. Western Irrigating Canal Co. 40 Kan 96, 19 P. 349; Milhau v. Sharp, 27 N.Y. 611; State ex rel. Williamson v. Garrison (Okla), 348 P.2d. 859; Ex parte Polite, 97 Tex Crim 320, 260 S.W. 1048.

The term "franchise" is generic, covering all the rights granted by the state. Atlantic & G. R. Co. v. Georgia, 98 U.S. 359, 25 L.Ed. 185.

A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. West Coast Disposal Service, Inc. v. Smith (Fla App), 143 So.2d. 352.

<sup>74</sup> The term "franchise" is generic, covering all the rights granted by the state. Atlantic & G. R. Co. v. Georgia, 98 U.S. 359, 25 L.Ed. 185.

A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. West Coast Disposal Service, Inc. v. Smith (Fla App), 143 So.2d. 352.

<sup>75</sup> State v. Real Estate Bank, 5 Ark. 595; Brooks v. State, 3 Boyce (Del) 1, 79 A. 790; Belleville v. Citizens' Horse R. Co., 152 Ill. 171, 38 N.E. 584; State ex rel. Clapp v. Minnesota Thresher Mfg. Co. 40 Minn 213, 41 N.W. 1020.

<sup>76</sup> New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co., 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; People's Pass. R. Co. v. Memphis City R. Co., 10 Wall (US) 38, 19 L.Ed. 844; Bank of Augusta v. Earle, 13 Pet (U.S.) 519, 10 L.Ed. 274; Bank of California v. San Francisco, 142 Cal. 276, 75 P. 832; Higgins v. Downward, 8 Houst (Del) 227, 14 A. 720, 32 A. 133; State ex rel. Watkins v. Fernandez, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; Lasher v. People, 183 Ill. 226, 55 N.E. 663; Inland Waterways Co. v. Louisville, 227 Ky. 376, 13 S.W.2d. 283; Lawrence v. Morgan's L. & T. R. & S. S. Co., 39 La. Ann. 427, 2 So. 69; Johnson v. Consolidated Gas E. L. & P. Co., 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; Stoughton v. Baker, 4 Mass 522; Poplar Bluff v. Poplar Bluff Loan & Bldg. Asso., (Mo App) 369 S.W.2d. 764; Madden v. Queens County Jockey Club, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; Shaw v. Asheville, 269 N.C. 90, 152 S.E.2d. 139; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; Henry v. Bartlesville Gas & Oil Co., 33 Okla 473, 126 P. 725; Elliott v. Eugene, 135 Or. 108, 294 P. 358; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 S.D. 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com., 101 Utah 99, 118 P.2d. 683.

A franchise represents the right and privilege of doing that which does not belong to citizens generally, irrespective of whether net profit accruing from the exercise of the right and privilege is retained by the franchise holder or is passed on to a state school or to political subdivisions of the state. State ex rel. Williamson v. Garrison (Okla), 348 P.2d. 859.

Where all persons, including corporations, are prohibited from transacting a banking business unless authorized by law, the claim of a banking corporation to exercise the right to do a banking business is a claim to a franchise. The right of banking under such a restraining act is a privilege or immunity by grant of the legislature, and the exercise of the right is the assertion of a grant from the legislature to exercise that privilege, and consequently it is the usurpation of a franchise unless it can be shown that the privilege has been granted by the legislature. People ex rel. Atty. Gen. v. Utica Ins. Co., 15 Johns (NY) 358.

<sup>77</sup> New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co., 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; People's Pass. R. Co. v. Memphis City R. Co., 10 Wall (US) 38, 19 L.Ed. 844; Bank of Augusta v. Earle, 13 Pet (U.S.) 519, 10 L.Ed. 274; Bank of California v. San Francisco, 142 Cal. 276, 75 P. 832; Higgins v. Downward, 8 Houst (Del) 227, 14 A. 720, 32 A. 133; State ex rel. Watkins v. Fernandez, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; Lasher v. People, 183 Ill. 226, 55 N.E. 663; Inland Waterways Co. v. Louisville, 227 Ky. 376, 13 S.W.2d. 283; Lawrence v. Morgan's L. & T. R. & S. S. Co., 39 La. Ann. 427, 2 So. 69; Johnson v. Consolidated Gas E. L. & P. Co., 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; Stoughton v. Baker, 4 Mass 522; Poplar Bluff v. Poplar Bluff Loan & Bldg. Asso. (Mo App) 369 S.W.2d. 764; Madden v. Queens County Jockey Club, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; Shaw v. Asheville, 269 N.C. 90, 152 S.E.2d. 139; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; Henry v. Bartlesville Gas & Oil Co., 33 Okla 473, 126 P. 725; Elliott v. Eugene, 135 Or. 108, 294 P. 358; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 S.D. 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com., 101 Utah 99, 118 P.2d. 683.

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<sup>78</sup> People ex rel. Foley v. Stapleton, 98 Colo. 354, 56 P.2d. 931; People ex rel. Central Hudson Gas & E. Co. v. State Tax Com. 247 N.Y. 281, 160 N.E. 371, 57 A.L.R. 374; People v. State Tax Comrs. 174 N.Y. 417, 67 N.E. 69, affd 199 U.S. 1, 50 L.Ed. 65, 25 S.Ct. 705.

construed as meaning a grant of a right to use public property, or at least the property over which the granting authority has control.<sup>79</sup>

[American Jurisprudence 2d, Franchises, §1: Definitions (1999)]

9. Because the “citizen\* of the United States\*\*\*\*” under 26 C.F.R. §1.1-1(a) is a FRANCHISE office and a PUBLIC office in the United States\*\*\*, those who VOLUNTEER for it become “officers of a corporation” subject to criminal enforcement and civil penalties. They would NOT be subject to either of these if they had not volunteered. These definitions are as follows. Be an obedient, cheap, FREE government whore servicing the “Babylon corporation” and BEND over, because no one in the government is going to EVER explain this to you and thereby let you UNVOLUNTEER! 26 U.S.C. §873(b)(3), which is chasing privileged deductions, is another way of becoming such a WHORE:

[26 U.S. Code §6671 - Rules for application of assessable penalties](#)

(b) Person defined

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

[26 U.S. Code §7343 - Definition of term “person”](#)

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

More sophistry like the above and LIES to keep you in servitude about the word “person” are described below. SCUM BAGS!

Policy Document: IRS Fraud and Deception About the Statutory Word “Person”, Form #08.023

<https://sedm.org/Forms/08-PolicyDocs/IRSPerson.pdf>

10. The RESULT of “electing” to partake in the above franchise is that you nominate the government to be your SUBSTITUTE King and replace God as a “parens patriae” and NEW lawgiver. Hence “created or organized” in 26 U.S.C. §7701(a)(4). You thus FIRED God as your protector and lawgiver in the process and committed religious idolatry in violation of the first four commandments of the Ten Commandments in Exodus 20. Because you have the King’s property “in your hand” you nominated him as king above you in violation of the Bible. A “franchise”, after all, is defined as “a privilege IN THE HANDS of a subject” and you NOMINATED yourself to BE that subject by asking for the King’s PUBLIC property:

“The proposition is that the United States, as the grantor of the franchises of the company [a corporation, in this case], the author of its charter, and the donor of lands, rights, and privileges of immense value, and as parens patriae, is a trustee, invested with power to enforce the proper use of the property and franchises granted for the benefit of the public.”

[U.S. v. Union Pac. R. Co., 98 U.S. 569 (1878)]

11. The result of ELECTING yourself into a franchise office by pursuing the king’s property is the following BIBLICAL curse:

Curses of Disobedience [to God’s Laws]

“The alien [Washington, D.C. is legislatively “alien” in relation to states of the Union] who is among you shall rise higher and higher above you, and you shall come down lower and lower [malicious destruction of EQUAL PROTECTION and EQUAL TREATMENT by abusing FRANCHISES]. He shall lend to you [Federal Reserve counterfeiting franchise], but you shall not lend to him; he shall be the head, and you shall be the tail.

<sup>79</sup> Young v. Morehead, 314 Ky. 4, 233 S.W.2d. 978, holding that a contract to sell and deliver gas to a city into its distribution system at its corporate limits was not a franchise within the meaning of a constitutional provision requiring municipalities to advertise the sale of franchises and sell them to the highest bidder.

A contract between a county and a private corporation to construct a water transmission line to supply water to a county park, and giving the corporation the power to distribute water on its own lands, does not constitute a franchise. Brandon v. County of Pinellas (Fla App), 141 So.2d. 278.

*“Moreover **all these curses shall come upon you and pursue and overtake you, until you are destroyed, because you did not obey the voice of the Lord your God, to keep His commandments and His statutes which He commanded you. And they shall be upon you for a sign and a wonder, and on your descendants forever.***

*“Because you did not serve [ONLY] the Lord your God with joy and gladness of heart, for the abundance of everything, therefore you shall serve your [covetous thieving lawyer] enemies, whom the Lord will send against you, in hunger, in thirst, in nakedness, and in need of everything; and He will put a yoke of iron [franchise codes] on your neck until He has destroyed you. The Lord will bring a nation against you from afar [the District of CRIMINALS], from the end of the earth, as swift as the eagle flies [the American Eagle], a nation whose language [LEGALESE] you will not understand, a nation of fierce [coercive and fascist] countenance, which does not respect the elderly [assassinates them by denying them healthcare through bureaucratic delays on an Obamacare waiting list] nor show favor to the young [destroying their ability to learn in the public FOOL system]. And they shall eat the increase of your livestock and the produce of your land [with “trade or business” franchise taxes], until you [and all your property] are destroyed [or STOLEN/CONFISCATED]; they shall not leave you grain or new wine or oil, or the increase of your cattle or the offspring of your flocks, until they have destroyed you. [Deut. 28:43-51, Bible, NKJV]*

The above CURSE and its overall effect on society is described in:

*How Scoundrels Corrupted Our Republican Form of Government*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Evidence/HowScCorruptOurRepubGovt.htm>

12. From a governmental perspective, the result of the above curse is SOCIALISM, as described in:

*Socialism: The New American Civil Religion*, Form #05.016  
<https://sedm.org/Forms/05-MemLaw/SocialismCivilReligion.pdf>

13. The STATUS of the Social Security Number or Taxpayer Identification Number under 26 C.F.R. §301.6109-1(g)(1) at any given time ALWAYS reflects WHICH side of the above diagram a particular “taxpayer” is.
14. The STATUS of the Social Security Number and Taxpayer Identification Number can change on an ANNUAL basis simply based on HOW the “taxpayer” files their tax return. They can file FOREIGN one year and DOMESTIC the next. The SSN/TIN is the “franchise mark” that acts as a license to use or consume GOVERNMENT/PUBLIC property. See:

*Social Security Administration “franchise” is the license number*, FTSIG  
<https://ftsig.org/history/ssa-franchise-is-the-license-number/>

15. At the beginning of each year, the IRS PRESUMES the DEFAULT status of DOMESTIC for every number. This PREJUDICIAL presumption is a violation of due process of law and results in IDENTITY THEFT as described in:

*Identity Theft Affidavit*, Form #14.020  
[https://sedm.org/Forms/14-PropProtection/Identity\\_Theft\\_Affidavit-f14039.pdf](https://sedm.org/Forms/14-PropProtection/Identity_Theft_Affidavit-f14039.pdf)

16. CIVIL STATUTORY FRANCHISE statuses on the right side of the diagram are civil franchises granted by Congress that are NOT authorized by the Constitution and therefore UNCONSTITUTIONAL. They represent an UNCONSTITUTIONAL COMMERCIAL INVASION of the states in violation of Article 4, Section 4 of the Constitution. As such, they are public offices within the national government. They are also sometimes called “legal statuses” or “tax statuses” or “civil statuses” by the courts. Those not seeking office and not wishing to commit Biblical idolatry in doing so should not claim any of these statuses. See:

*Government Instituted Slavery Using Franchises*, Form #05.030  
<https://sedm.org/Forms/05-MemLaw/Franchises.pdf>

17. ANYONE born or naturalized in the United States\* (the country) can lawfully pursue a FOREIGN tax status on the left above. For a detailed list of who can lawfully do this, see:

*Summary of Different Types of American Nationals*, FTSIG  
<https://ftsig.org/summary-of-different-types-of-american-nationals/>

18. The sophistry and deception described in the above diagram to convert YOUR status from PRIVATE to PUBLIC without your knowledge is ALSO applied to convert your PROPERTY from PRIVATE to PUBLIC to fool you into donating it to the government. That PROPERTY SCAM is described in:

*Property View of Income Taxation Course*, Form #12.046  
<https://sedm.org/LibertyU/PropertyViewOfIncomeTax.pdf>

19. For an EXHAUSTIVE description of how to apply knowledge of the above diagram to LAWFULLY AVOIDING income taxation, remaining ENTIRELY FOREIGN and PRIVATE, see:

*Foreign Tax Status Information Group (FTSIG) Website*  
<https://ftsig.org>

## 14.7 Statutory Rules for Converting Between Various Domicile and Citizenship Options Under Federal Law

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

1. “non-resident non-person”: Those with no domicile on federal territory and who are born either in a foreign country, a state of the Union, or within the federal zone. Also called a “nonresident”, “stateless person”, or “transient foreigner”. They are exclusively PRIVATE and beyond the reach of the civil statutory law because:
  - 1.1. They are not a “person” or “individual” because not engaged in an elected or appointed office.
  - 1.2. They have not waived sovereign immunity under the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97.
  - 1.3. They have not “purposefully” or “consensually” availed themselves of commerce within the exclusive or general jurisdiction of the national government within federal territory.
  - 1.4. They waived the “benefit” of any and all licenses or permits in the context of a specific transaction or agreement.
  - 1.5. In the context of a specific business dealing, they have not invoked any statutory status under federal civil law that might connect them with a government franchise, such as “U.S. citizen”, “U.S. resident”, “person”, “individual”, “taxpayer”, etc.
  - 1.6. If they are demanded to produce an identifying number, they say they don’t consent and attach the following form to every application or withholding document:

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

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

2. “Aliens” or “alien individuals”: Those born in a foreign country and not within any state of the Union or within any federal territory.
  - 2.1. “Alien” is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a citizen nor a national.
  - 2.2. “Alien individual” is defined in 26 C.F.R. §1.1441-1(c)(3)(i).
  - 2.3. An alien is defined in 8 U.S.C. §1101(a)(3) as a person who is neither a statutory “U.S.\*\* citizen” per 8 U.S.C. §1401 nor a “national of the United States\*\*” per 8 U.S.C. §1101(a)(22).
  - 2.4. An alien with no domicile in the “United States” is presumed to be a “nonresident alien” pursuant to 26 C.F.R. §1.871-4(b).
3. “Residents” or “resident aliens”: An “alien” or “alien individual” with a legal domicile on federal territory.
  - 3.1. “Resident aliens” are defined in 26 U.S.C. §7701(b)(1)(A).
  - 3.2. A “resident alien” is an alien as defined in 8 U.S.C. §1101(a)(3) who has a legal domicile on federal territory that is no part of the exclusive jurisdiction of any state of the Union.
  - 3.3. An “alien” becomes a “resident alien” by filing IRS Form 1078 pursuant to 26 C.F.R. §1.871-4(c)(ii) and thereby electing to have a domicile on federal territory.
4. “Nonresident aliens”: Those with no domicile on federal territory and who are born either in a foreign country, a state of the Union, or within the federal zone. They serve in a public office in the national but not state government.
  - 4.1. Defined in 26 U.S.C. §7701(b)(1)(B).
  - 4.2. A “nonresident alien” is defined as a person who is neither a statutory “citizen” pursuant to 26 C.F.R. §1.1-1(c) nor a statutory “resident” pursuant to 26 U.S.C. §7701(b)(1)(A).
  - 4.3. A person who is a “non-citizen national of the United States\*\*” pursuant to 8 U.S.C. §1408 is a “nonresident alien”, but only if they are lawfully engaged in a public office of the national government.
5. “Nonresident alien individuals”: Those who are aliens and who do not have a domicile on federal territory.
  - 5.1. Status is indicated in block 3 of the IRS Form W-8BEN under the term “Individual”.
  - 5.2. Includes only nonresidents not domiciled on federal territory but serving in public offices of the national government. “person” and “individual” are synonymous with said office in 26 U.S.C. §6671(b) and 26 U.S.C. §7343.
6. Convertibility between “aliens”, “resident aliens”, “nonresident aliens”, and “nonresident alien individuals”:
  - 6.1. A “nonresident alien” is not the legal equivalent of an “alien” in law nor is it a subset of “alien”.
  - 6.2. IRS Form W-8BEN, Block 3 has no block to check for those who are “non-resident non-persons” but not “nonresident aliens” or “nonresident alien individuals”. Thus, the submitter of this form who is a statutory “non-resident non-person” but not a “nonresident alien” or “nonresident alien individual” is effectively compelled to make an illegal and fraudulent election to become an alien and an “individual” if they do not add a block for “transient foreigner” or “Union State Citizen” to the form. See the following:

About IRS Form W-8BEN, Form #04.202, Section 5.3

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

- 6.3. 26 U.S.C. §6013(g) and (h) and 26 U.S.C. §7701(b)(4)(B) authorize a “nonresident alien” who is married to a



- statutory "U.S. citizen" as defined in 26 C.F.R. §1.1-1(c) to make an "election" to become a "resident alien".
- 6.4. It is unlawful for an unmarried "state national" pursuant to either 8 U.S.C. §1101(a)(21) to become a "resident alien". This can only happen by either fraud or mistake.
- 6.5. An alien may overcome the presumption that he is a "nonresident alien" and change his status to that of a "resident alien" by filing IRS Form 1078 pursuant to 26 C.F.R. §1.871-4(c)(ii) while he is in the "United States".
- 6.6. The term "residence" can only lawfully be used to describe the domicile of an "alien". Nowhere is this term used to describe the domicile of a "state national" or a "nonresident alien". See 26 C.F.R. §1.871-2.
- 6.7. The only way a statutory "alien" under 8 U.S.C. §1101(a)(3) can become both a "state national" and a "nonresident alien" at the same time is to be naturalized pursuant to 8 U.S.C. §1421 and to have a domicile in either a U.S. possession or a state of the Union.

7. Sources of confusion on these issues:

- 7.1. One can be a "non-resident non-person" *without* being an "individual" or a "nonresident alien individual" under the Internal Revenue Code. An example would be a human being born within the exclusive jurisdiction of a state of the Union who is therefore a "state national" pursuant to 8 U.S.C. §1101(a)(21) who does not participate in Social Security or use a Taxpayer Identification Number.
- 7.2. The term "United States" is defined in the Internal Revenue Code at 26 U.S.C. §7701(a)(9) and (a)(10).
- 7.3. The term "United States" for the purposes of citizenship is defined in 8 U.S.C. §1101(a)(38).
- 7.4. Any "U.S. Person" as defined in 26 U.S.C. §7701(a)(30) who is not found in the "United States" (District of Columbia pursuant to 26 U.S.C. §7701(a)(9) and (a)(10)) shall be treated as having an effective domicile within the District of Columbia pursuant to 26 U.S.C. §7701(a)(39) and 26 U.S.C. §7408(d).
- 7.5. The term "United States" is equivalent for the purposes of statutory "citizens" pursuant to 26 C.F.R. §1.1-1(c) and "citizens" as used in the Internal Revenue Code. See 26 C.F.R. §1.1-1(c).
- 7.6. The term "United States" as used in the Constitution of the United States is NOT equivalent to the statutory definition of the term used in:

7.6.1. 26 U.S.C. §7701(a)(9) and (a)(10).

7.6.2. 8 U.S.C. §1101(a)(38).

The "United States" as used in the Constitution means the states of the Union and excludes federal territory, while the term "United States" as used in federal statutory law means federal territory and excludes states of the Union.

- 7.7. A constitutional "citizen of the United States" as mentioned in the Fourteenth Amendment is equivalent to a statutory "national and citizen of the United States at birth" as used in 8 U.S.C. §1401(a). See:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006

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

- 7.8. In the case of jurisdiction over CONSTITUTIONAL aliens only (meaning foreign NATIONALS), the term "United States" implies all 50 states and the federal zone, and is not restricted only to the federal zone. See:

7.8.1. Non-Resident Non-Person Position, Form #05.020

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

7.8.2. Kleindienst v. Mandel, 408 U.S. 753 (1972)

*In accord with ancient principles of the international law of nation-states, the Court in The Chinese Exclusion Case, 130 U.S. 581, 609 (1889), and in Fong Yue Ting v. United States, 149 U.S. 698 (1893), held broadly, as the Government describes it, Brief for Appellants 20, that the power to exclude aliens is "inherent in sovereignty, necessary for maintaining normal international relations and defending the country against foreign encroachments and dangers - a power to be exercised exclusively by the political branches of government . . . ." Since that time, the Court's general reaffirmations of this principle have [408 U.S. 753, 766] been legion. 6 The Court without exception has sustained Congress' "plenary power to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden." Boutilier v. Immigration and Naturalization Service, 387 U.S. 118, 123 (1967). "[O]ver no conceivable subject is the legislative power of Congress more complete than it is over" the admission of aliens. Oceanic Navigation Co. v. Stranahan, 214 U.S. 320, 339 (1909). [Kleindienst v. Mandel, 408 U.S. 753 (1972)]*

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

*While under our constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations. As said by this court in the case of Cohens v. Virginia, 6 Wheat. 264,*



413, speaking by the same great chief justice: That the United States form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects is the government of the Union. It is their government, and in that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory."

[. . .]

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

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

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

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

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

[19 Corpus Juris Secundum, Corporations, §886]

"A corporation is not a citizen within the meaning of that provision of the Constitution, which declares that the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States."

[Paul v. Virginia, 8 Wall (U.S.) 168, 19 L.Ed. 357 (1868)]

Likewise, all governments are "corporations" as well.

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

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

TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE

PART VI - PARTICULAR PROCEEDINGS

CHAPTER 176 - FEDERAL DEBT COLLECTION PROCEDURE

SUBCHAPTER A - DEFINITIONS AND GENERAL PROVISIONS

Sec. 3002. Definitions

(15) "United States" means -

(A) a Federal corporation;

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

(C) an instrumentality of the United States.

"A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. The United States government is a foreign corporation with respect to a state."

[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

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

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

(b) Capacity to Sue or be Sued.

Capacity to sue or be sued is determined as follows:

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

**(2) for a corporation [the “United States”, in this case, or its officers on official duty representing the corporation], by the law under which it was organized [municipal laws of the District of Columbia]; and**

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

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

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

[Federal Rule of Civil Procedure 17(b)]

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

TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671  
§6671. Rules for application of assessable penalties

(b) Person defined

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

TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > § 7343  
§7343. Definition of term “person”

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

Because all corporations are “citizens”, then “public officers” also take on the character of “U.S. citizens” in the capacity of their official duties, regardless of what they are as private individuals. It is also interesting to note that IRS correspondence very conspicuously warns the recipient right underneath the return address the following, confirming that they are corresponding with a “public officer” and not a private individual:

“Penalty for private use §300.”

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

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

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

For details on this scam, see:

1. Proof That There Is a “Straw Man”, Form #05.042  
<http://sedm.org/Forms/FormIndex.htm>
2. Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008

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

3. *The "Trade or Business" Scam*, Form #05.001

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

4. *Who are "Taxpayers" and Who Needs a "Taxpayer Identification Number"?*, Form #05.013

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

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

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

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

Note also that ordinary "employees" are NOT "public officers":

*Treatise on the Law of Public Offices and Officers*  
*Book 1: Of the Office and the Officer: How Officer Chosen and Qualified*  
*Chapter I: Definitions and Divisions*  
§2 *How Office Differs from Employment.*-

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

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

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

[*A Treatise on the Law of Public Offices and Officers*, Floyd Russell Mechem, 1890, pp. 3-4, §2;  
SOURCE: <http://books.google.com/books?id=g-I9AAAAIAAJ&printsec=titlepage>]

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

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

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

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

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

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

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

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

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

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

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

12 Stat. 432.  
<http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=012/llsl012.db&recNum=463>
2. The License Tax Cases was heard in 1866 by the Supreme Court, in which the Supreme Court held that Congress could license but could not authorize a trade or business in a state in order to tax it, referring to the civil war tax enacted in 1862. See:  

License Tax Cases, 72 U.S. 462 (1866)  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=72&page=462>
3. The Fourteenth Amendment was ratified in 1868. This Amendment uses the phrase "citizens of the United States" in order to confuse it with statutory "citizens of the United States" domiciled on federal territory in the exclusive jurisdiction of Congress under 8 U.S.C. §1401.
4. The civil war income tax was repealed in 1871. See:
  - 4.1. 17 Stat. 401
  - 4.2. *Great IRS Hoax*, Form #11.302, Section 6.8.20.
5. Congress incorporated the District of Columbia in 1871. The incorporation of the District of Columbia was done to expand the income tax by taxing the government's own "public officers" as a federal corporation. See the following:  

19 Stat. 419  
<http://famguardian.org/Subjects/Taxes/16Amend/SpecialLaw/DCCorpStatuesAtLarge.pdf>

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





#### **14.9 Federal Citizenship Statuses Diagram**

We have prepared a Venn diagram showing all of the various types of citizens so that you can properly distinguish them. The important thing to notice about this diagram is that there are multiple types of “citizens of the United States” and “nationals of the United States” because there are multiple definitions of “United States” according to the U.S. Supreme Court, as we showed earlier in section 14.1.

**Figure 4: Federal Citizenship citizenship Statuses Diagram**

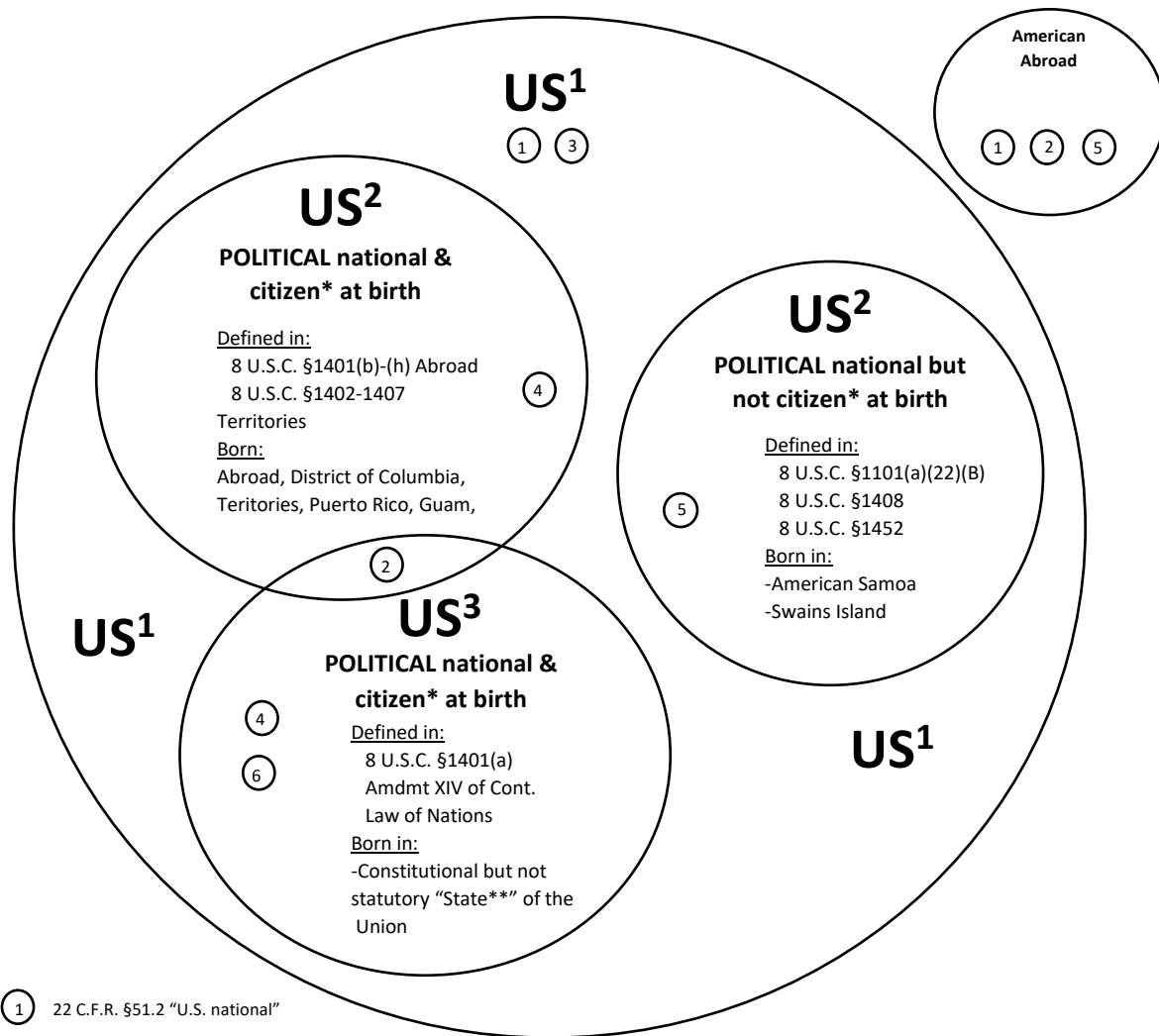
# FEDERAL POLITICAL CITIZENSHIP STATUSES

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

**US<sup>1</sup>**-Context used in matters describing our sovereign country within the family of nations.

**US<sup>2</sup>**-Context used to designate the territory over which the Federal Government is exclusively sovereign.

**US<sup>3</sup>**-Context used regarding sovereign states of the Union united by and under the Constitution.



① 22 C.F.R. §51.2 “U.S. national”

② 8 U.S.C. §1401 “national & citizen\* of the United States at birth”

③ 8 U.S.C. §1101(a)(22)-“national of the United States”

④ 8 U.S.C. §1101(a)(22)(A)-“citizen\* of the United States”

⑤ 8 U.S.C. §1101(a)(22)(B)-“person who, though not a citizen of the United States, owes permanent allegiance to the United States”

⑥ Federal Common law “national”. See Perkins v. Elg, 307 U.S. 325 (1939). NOT a “national of the United States” under 8 U.S.C. §1101(a)(22) UNLESS all “United States” used there means the CONSTITUTIONAL “United States” and excludes federal territory AND “citizen” excludes 8 U.S.C. §1401 and 26 C.F.R. §1.1-1(c) “citizens”.



## 14.10 How Human Beings Become “Individuals” and “Persons” Under the Revenue Statutes

It might surprise most people to learn that human beings most often are NEITHER “individuals” nor “persons” under ordinary acts of Congress, and especially revenue acts. The reasons for this are many and include the following:

1. All civil statutes are law exclusively for government and not private humans:

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

2. Civil statutes cannot impair PRIVATE property or PRIVATE rights.

*"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925."*  
*[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

3. Civil statutes are privileges and franchises created by the government which convert PRIVATE property to PUBLIC property. They cannot lawfully convert PRIVATE property to PUBLIC property without the express consent of the owner. See:

*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/Forms/FormIndex.htm>

4. You have an inalienable PRIVATE right to choose your civil status, including “person”.

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

5. All civil statuses, including “person” or “individual” are a product of a VOLUNTARY choice of domicile protected by the First Amendment right of freedom from compelled association. If you don’t volunteer and choose to be a nonresident or transient foreigner, then you cannot be punished for that choice and cannot have a civil status. See:

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

6. As the absolute owner of your private property, you have the absolute right of depriving any and all others, INCLUDING governments, of the use or benefit of that property, including your body and all of your property. The main method of exercising that control is to control the civil and legal status of the property, who protects it, and HOW it is protected.

*“In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants.”*  
*[Roberts v. Roberts, 81 Cal.App.2d. 871, 879 (1947);*  
[https://scholar.google.com/scholar\\_case?case=13809397457737233441](https://scholar.google.com/scholar_case?case=13809397457737233441)*]*

The following subsections will examine the above assertions and prove they are substantially true with evidence from a high level. If you need further evidence, we recommend reading the documents referenced above.

### 14.10.1 How alien nonresidents visiting the geographical United States\*\* become statutory “individuals” whether or not they consent

The U.S. Supreme Court defined how alien nonresidents visiting the United States\*\* become statutory “individuals” below:

*The reasons for not allowing to other aliens exemption 'from the jurisdiction of the country in which they are found' were stated as follows: 'When private individuals of one nation [states of the Unions are “nations” under the law of nations] spread themselves through another as business or caprice may direct, mingling indiscriminately with the inhabitants of that other, or when merchant vessels enter for the purposes of trade, it would be obviously inconvenient and dangerous to society, and would subject the laws to continual infraction, and the government to degradation, if such individuals or merchants did not owe temporary and local allegiance, and were not amenable to the jurisdiction of the country. Nor can the foreign sovereign have any motive for wishing such exemption. His subjects thus passing into foreign countries are not employed by him, nor are they engaged in national pursuits. Consequently, there are powerful motives for not exempting persons of this description from the jurisdiction of the country in which they are found, and no one motive for requiring*

1 it. The implied license, therefore, under which they enter, can never be construed to grant such exemption.' 7  
2 Cranch, 144.

3 In short, the judgment in the case of The Exchange declared, as incontrovertible principles, that the jurisdiction  
4 of every nation within its own territory is exclusive and absolute, and is susceptible of no limitation not imposed  
5 by the nation itself; that all exceptions to its full and absolute territorial jurisdiction must be traced up to its own  
6 consent, express or implied; that upon its consent to cede, or to waive the exercise of, a part of its territorial  
7 jurisdiction, rest the exemptions from that jurisdiction of foreign sovereigns or their armies entering its territory  
8 with its permission, and of their foreign ministers and public ships of war; and that the implied license, under  
9 which private individuals of another nation enter the territory and mingle indiscriminately with its inhabitants,  
10 for purposes of business or pleasure, can never be construed to grant to them an exemption from the  
11 jurisdiction of the country in which they are found. See, also, Carlisle v. U.S. (1872) 16 Wall. 147, 155; Radich  
12 v. Hutchins (1877) 95 U.S. 210; Wildenhus' Case (1887) 120 U.S. 1, 7 Sup.Ct. 385; Chae Chan Ping v. U.S.  
13 (1889) 130 U.S. 581, 603, 604, 9 Sup.Ct. 623.  
14 [United States v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

15 Therefore, alien nonresidents visiting or doing business within a country are presumed to be party to an “implied license”  
16 while there. All licenses are franchises, and all give rise to a public civil franchise status. In the case of nonresident aliens,  
17 that status is “individual” and it is a public office in the government, just like every other franchise status. We prove this in:

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

18 All “aliens” are presumed to be “nonresident aliens” but this may be overcome upon presentation of proof:

19 Title 26: Internal Revenue  
20 PART 1—INCOME TAXES  
21 nonresident alien individuals  
22 § 1.871-4 Proof of residence of aliens.

23 (a) Rules of evidence. The following rules of evidence shall govern in determining whether or not an alien within  
24 the United States has acquired residence therein for purposes of the income tax.

25 (b) Nonresidence presumed. An alien by reason of his alienage, is presumed to be a nonresident alien.

26 (c) Presumption rebutted—

27 (1) Departing alien.

28 In the case of an alien who presents himself for determination of tax liability before departure from the United  
29 States, the presumption as to the alien's nonresidence may be overcome by proof--

30 Aliens, while physically in the United States\*\*, are presumed to be “resident” there, REGARDLESS OF THEIR CONSENT  
31 or INTENT. “residence” is the word used to characterize an alien as being subject to the CIVIL and/or TAXING franchise  
32 codes of the place he or she is in:

33 Title 26: Internal Revenue  
34 PART 1—INCOME TAXES  
35 nonresident alien individuals  
36 §1.871-2 Determining residence of alien individuals.

37 (a) General.

38 The term nonresident alien individual means an individual whose residence is not within the United States, and  
39 who is not a citizen of the United States. The term includes a nonresident alien fiduciary. For such purpose the  
40 term fiduciary shall have the meaning assigned to it by section 7701(a)(6) and the regulations in part 301 of this  
41 chapter (Regulations on Procedure and Administration). For presumption as to an alien's nonresidence, see  
42 paragraph (b) of §1.871-4.

43 (b) Residence defined.

44 An alien actually present in the United States who is not a mere transient or sojourner is a resident of the  
45 United States for purposes of the income tax. Whether he is a transient is determined by his intentions with  
46 regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another  
47 country is not sufficient to constitute him a transient. If he lives in the United States and has no definite



intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

Once aliens seek the privilege of permanent resident status, then they cease to be nonresident aliens and become “resident aliens” under 26 U.S.C. §7701(b)(1)(A):

26 U.S.C. §7701(b)(1)(A) Resident alien

(b) Definition of **resident alien** and nonresident alien

(1) In general

For purposes of this title (other than subtitle B) -

(A) **Resident alien**

An alien individual shall be treated as a resident of the United States with respect to any calendar year if (and only if) such individual meets the requirements of clause (i), (ii), or (iii):

(i) Lawfully admitted for permanent residence

Such individual is a lawful permanent resident of the United States at any time during such calendar year.

(ii) Substantial presence test

Such individual meets the substantial presence test of paragraph (3).

(iii) First year election

Such individual makes the election provided in paragraph (4).

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“Residents, as distinguished from citizens, are aliens who are permitted to take up a permanent abode in the country. Being bound to the society by reason of their dwelling in it, they are subject to its laws so long as they remain there, and, being protected by it, they must defend it, although they do not enjoy all the rights of citizens. They have only certain privileges which the law, or custom, gives them. Permanent residents are those who have been given the right of perpetual residence. They are a sort of citizen of a less privileged character, and are subject to the society without enjoying all its advantages. Their children succeed to their status; for the right of perpetual residence given them by the State passes to their children.”  
[The Law of Nations, Vattel, Book 1, Chapter 19, Section 213, p. 87]

Therefore, once aliens apply for and receive “permanent resident” status, they get the same exemption from income taxation as citizens and thereby CEASE to be civil “persons” under the Internal Revenue Code as described in the following sections. In that sense, their “implied license” is revoked and they thereby cease to be civil “persons”. The license returns if they abandon their “permanent resident” civil status:

Title 26: Internal Revenue

PART I—INCOME TAXES

nonresident alien individuals

§1.871-5 Loss of residence by an alien.

An alien who has acquired residence in the United States retains his status as a resident until he abandons the same and actually departs from the United States. An intention to change his residence does not change his status as a resident alien to that of a nonresident alien. Thus, an alien who has acquired a residence in the United States is taxable as a resident for the remainder of his stay in the United States.

We should also point out that:

1. There are literally BILLIONS of aliens throughout the world.
2. Unless and until an alien either physically sets foot within our country or conducts commerce or business with a foreign state such as the United States\*\*, they:
  - 2.1. Would NOT be classified as civil STATUTORY “persons” or “individuals”, but rather “transient foreigners” or “stateless persons”. Domicile in a place is MANDATORY in order for the civil statutes to be enforceable per Federal Rule of Civil Procedure 17, and they have a foreign domicile while temporarily here.
  - 2.2. Would NOT be classified as “persons” under the Constitution. The constitution attaches to and protects LAND, and not the status of people ON the land.
  - 2.3. Would NOT be classified as “persons” under the CRIMINAL law.
  - 2.4. Would NOT be classified as “persons” under the common law and equity.

3. If the alien then physically comes to the United States\*\* (federal zone or STATUTORY “United States\*\*\*”), then they:
- 3.1. Would NOT become “persons” under the Constitution, because the constitution does not attach to federal territory.
  - 3.2. Would become “persons” under the CRIMINAL laws of Congress, because the criminal law attaches to physical territory.
  - 3.3. Would become “persons” under the common law and equity of the national government and not the states, because common law attaches to physical land.
4. If the alien then physically moves to a constitutional state, then their status would change as follows:
- 4.1. Would become “persons” under the Constitution, because the constitution attaches to land within constitutional states.
  - 4.2. Would become “persons” under the CRIMINAL laws of states of the Union, because the criminal law attaches to physical territory.
  - 4.3. Would cease to be “persons” under the CRIMINAL laws of Congress, because they are not on federal territory.
  - 4.4. Would become “persons” under the common law and equity of the state they visited and not the national government, because common law attaches to physical land.
5. If the aliens are statutory “citizens” of their state of origin, they are “agents of the state” they came from. If they do not consent to be statutory “citizens” and do not have a domicile in the state of their birth, then they are “non-residents” in relation to their state of birth. The STATUTORY “citizen” is the agent of the state, not the human being filling the public office of “citizen”.

*"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptation only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between 'citizens' of different states. This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."*

[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

6. When aliens are POLITICAL citizens of the country of their birth and origin who are doing business in the United States\*\* as a “foreign state”, they are treated as AGENTS and OFFICERS of the country they are from, hence they are “state actors”.

*The Law of Nations, Book II: Of a Nation Considered in Her Relation to Other States*

*§ 81. The property of the citizens is the property of the nation, with respect to foreign nations.*

*Even the property of the individuals is, in the aggregate, to be considered as the property of the nation, with respect to other states. It, in some sort, really belongs to her, from the right she has over the property of her citizens, because it constitutes a part of the sum total of her riches, and augments her power. She is interested in that property by her obligation to protect all her members. In short, it cannot be otherwise, since nations act and treat together as bodies in their quality of political societies, and are considered as so many moral persons. All those who form a society, a nation being considered by foreign nations as constituting only one whole, one single person, — all their wealth together can only be considered as the wealth of that same person. And this is to true, that each political society may, if it pleases, establish within itself a community of goods, as Campanella did in his republic of the sun. Others will not inquire what it does in this respect: its domestic regulations make no change in its rights with respect to foreigners nor in the manner in which they ought to consider the aggregate of its property, in what way soever it is possessed.*

[The Law of Nations, Vattel, Book II, Section 81;

SOURCE: [http://famguardian.org/Publications/LawOfNations/vattel\\_02.htm#§ 81. The property of the citizens is the property of the nation, with respect to foreign nations.](http://famguardian.org/Publications/LawOfNations/vattel_02.htm#§ 81. The property of the citizens is the property of the nation, with respect to foreign nations.)]

7. As agents of the state they were born within and are domiciled within while they are here, aliens visiting the United States\*\* are part of a “foreign state” in relation to the United States\*\*.

These principles are a product of the Foreign Sovereign Immunities Act, 28 U.S.C. Chapter 97:

[Title 28](#) › [Part IV](#) › [Chapter 97](#) › § 1605

1 [28 U.S. Code § 1605 - General exceptions to the jurisdictional immunity of a foreign state](#)

2 (a) A foreign [state](#) shall not be immune from the jurisdiction of courts of the [United States](#) or of the States in any  
3 case—

4 (1) in which the foreign [state](#) has waived its immunity either explicitly or by implication, notwithstanding any  
5 withdrawal of the waiver which the foreign [state](#) may purport to effect except in accordance with the terms of the  
6 waiver;

7 (2) in which the action is based upon a [commercial activity](#) carried on in the [United States](#) by the foreign state;  
8 or upon an act performed in the [United States](#) in connection with a [commercial activity](#) of the foreign state  
9 elsewhere; or upon an act outside the territory of the [United States](#) in connection with a [commercial activity](#) of  
10 the foreign state elsewhere and that act causes a direct effect in the [United States](#);

11 (3) in which rights in property taken in violation of international law are in issue and that property or any  
12 property exchanged for such property is present in the [United States](#) in connection with a [commercial activity](#)  
13 carried on in the [United States](#) by the foreign state; or that property or any property exchanged for such  
14 property is owned or operated by an agency or instrumentality of the foreign state and that agency or  
15 instrumentality is engaged in a [commercial activity](#) in the [United States](#);

16 (4) in which rights in property in the [United States](#) acquired by succession or gift or rights in immovable property  
17 situated in the [United States](#) are in issue;

18 (5) not otherwise encompassed in paragraph (2) above, in which money damages are sought against a foreign  
19 [state](#) for personal injury or death, or damage to or loss of property, occurring in the [United States](#) and caused by  
20 the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting  
21 within the scope of his office or employment; except this paragraph shall not apply to—

22 (A) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary  
23 function regardless of whether the discretion be abused, or

24 (B) any claim arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or  
25 interference with contract rights; or

26 (6) in which the action is brought, either to enforce an agreement made by the foreign [state](#) with or for the benefit  
27 of a private party to submit to arbitration all or any differences which have arisen or which may arise between  
28 the parties with respect to a defined legal relationship, whether contractual or not, concerning a subject matter  
29 capable of settlement by arbitration under the laws of the [United States](#), or to confirm an award made pursuant  
30 to such an agreement to arbitrate, if (A) the arbitration takes place or is intended to take place in the [United](#)  
31 [States](#), (B) the agreement or award is or may be governed by a treaty or other international agreement in force  
32 for the [United States](#) calling for the recognition and enforcement of arbitral awards, (C) the underlying claim,  
33 save for the agreement to arbitrate, could have been brought in a [United States](#) court under this section or section  
34 1607, or (D) paragraph (1) of this subsection is otherwise applicable.

35 Lastly, we also wish to emphasize that those who are physically in the country they were born in are NOT under any such  
36 “implied license” and therefore, unlike aliens, are not AUTOMATICALLY “individuals” or “persons” and cannot consent  
37 to become “individuals” or “persons” under any revenue statute. These people would be called “nationals of the United  
38 States\*\*\* OF AMERICA”. Their rights are UNALIENABLE and therefore they cannot lawfully consent to give them away  
39 by agreeing to ANY civil status, including “person” or “individual”.

40 **14.10.2 “U.S. Persons”**

41 The statutory definition of “U.S. person” within the Internal Revenue Code is as follows:

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

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

46 (30) [United States](#) person

47 The term “[United States](#)[\*\*] person” means -  
48 (A) a citizen or resident of the [United States](#)[\*\*],  
49 (B) a domestic partnership,  
50

(C) a domestic [corporation](#),  
(D) any estate (other than a foreign estate, within the meaning of paragraph (31)), and  
(E) any trust if -  
(i) a court within the United States<sup>[\*\*]</sup> is able to exercise primary supervision over the administration of the trust, and  
(ii) one or more United States<sup>[\*\*]</sup> persons have the authority to control all substantial decisions of the trust.

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[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > Sec. 7701. [Internal Revenue Code]  
[Sec. 7701. - Definitions](#)

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

(9) United States

The term "United States"<sup>[\*\*]</sup> when used in a geographical sense includes only the [States](#) and the District of Columbia.

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[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > Sec. 7701. [Internal Revenue Code]  
[Sec. 7701. - Definitions](#)

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

(10) State

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

NOTICE the following important fact: The definition of "person" in 26 U.S.C. §7701(a)(1) does NOT include "U.S. person", and therefore indicating this status on a withholding form does not make you a STATUTORY "person" within the Internal Revenue Code!

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

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

(1) Person

The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

There is some overlap between CIVIL "U.S. Persons" and CIVIL "persons" in the I.R.C., but only in the case of estates and trusts, and partnerships. NOWHERE in the case of individuals is there overlap.

There is also no tax imposed directly on a U.S. Person anywhere in the internal revenue code. All taxes relating to humans are imposed upon "persons" and "individuals" rather than "U.S. Persons". Nowhere in the definition of "U.S. person" is included "individuals", and you must be an "individual" to be a "person" as a human being under 26 U.S.C. §7701(a)(1). Furthermore, nowhere are "citizens or residents of the United States" mentioned in the definition of "U.S. Person" defined to be "individuals". Hence, they can only be fictions of law and NOT humans. To be more precise, they are not only "fictions of law" but public offices in the government. See:

<p><i>Proof That There Is a "Straw Man",</i> Form #05.042 <a href="https://sedm.org/Forms/FormIndex.htm">https://sedm.org/Forms/FormIndex.htm</a></p>
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There is a natural tendency to PRESUME that a statutory “U.S. person” is a “person”, but in fact it is not. That tendency begins with the use of “person” in the NAME “U.S. person”. However, the rules for interpreting the Internal Revenue Code forbid such a presumption:

[U.S. Code › Title 26 › Subtitle F › Chapter 80 › Subchapter A › § 7806](#)  
[26 U.S. Code § 7806 - Construction of title](#)

(b)Arrangement and classification

**No inference, implication, or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title**, nor shall any table of contents, table of cross references, or similar outline, analysis, or descriptive matter relating to the contents of this title be given any legal effect. The preceding sentence also applies to the sidenotes and ancillary tables contained in the various prints of this Act before its enactment into law.

Portions of a specific section, such as 26 U.S.C. §7701(a)(30) is a “grouping” as referred to above. The following case also affirms this concept:

*“Factors of this type have led to the wise rule that the title of a statute and the heading of a section cannot limit the plain meaning of the text. United States v. Fisher, 2 Cranch 358, 386; Cornell v. Coyne, 192 U.S. 418, 430; Strathearn S.S. Co. v. Dillon, 252 U.S. 348, 354. For interpretative purposes, they are of use only when they shed light on some ambiguous word or phrase. They are but tools available for the resolution of a doubt. But they cannot undo or limit that which the text makes plain.”*  
[Railroad Trainmen v. B. & O.R. Co. 331 U.S. 519 (1947)]

Therefore, we must discern the meaning of “U.S. person” from what is included UNDER the heading, and not within the heading “U.S. Person”. The following subsections will attempt to do this.

### 14.10.3 The Three Types of “Persons”

The meaning of “person” depends entirely upon the context in which it is used. There are three main contexts, defined by the system of law in which they may be invoked:

1. CONSTITUTIONAL “person”: Means a human being and excludes artificial entities or corporations or even governments.

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

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

[Annotated Fourteenth Amendment, Congressional Research Service.

SOURCE: [http://www.law.cornell.edu/anncon/html/amdt14a\\_user.html#amdt14a\\_hd1](http://www.law.cornell.edu/anncon/html/amdt14a_user.html#amdt14a_hd1)]

2. CIVIL “person”: Depends entirely upon the definition within the statutes and EXCLUDES CONSTITUTIONAL “persons”. This would NOT INCLUDE STATUTORY “U.S. Persons”.
3. COMMON LAW “person”: A private human who is litigating in equity under the common law in defense of his absolutely owned private property.

The above systems of law are described in:

[Four Law Systems Course, Form #12.039](#)  
<https://sedm.org/Forms/FormIndex.htm>



Which of the above statuses you have depends on the law system you voluntarily invoke when dealing with the government. That law system determines what is called the “choice of law” in your interactions with the government. For more on “choice of law” rules, see:

*Federal Jurisdiction*, Form #05.018, Section 3  
<https://sedm.org/Forms/FormIndex.htm>

If you invoke a specific choice of law in the action you file in court, and the judge or government changes it to one of the others, then they are engaged in CRIMINAL IDENTITY THEFT:

*Government Identity Theft*, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

Identity theft can also be attempted by the government by deceiving or confusing you with legal “words of art”:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>

#### **14.10.4 Why a “U.S. Person” who is a “citizen” is NOT a statutory “person” or “individual” in the Internal Revenue Code**

The definition of person is found in 26 U.S.C. §7701(a)(1) as follows:

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

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

(1) Person

The term “person” shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

The term “individual” is then defined as:

[26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

**(c ) Definitions**

**(3) Individual.**

(i) Alien individual.

***The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).***

(ii) Nonresident alien individual.

The term nonresident alien individual means [persons](#) described in section 7701(b)(1)(B), alien [individuals](#) who are treated as [nonresident aliens](#) pursuant to [§ 301.7701\(b\)-7 of this chapter](#) for [purposes](#) of computing their U.S. [tax liability](#), or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under [§ 301.7701\(b\)-1\(d\) of this chapter](#). An alien individual who has made an [election](#) under section 6013(g) or (h) to be treated as a resident of the [United States](#) is nevertheless treated as a [nonresident alien](#) individual for [purposes](#) of [withholding](#) under chapter 3 of the Code and the regulations thereunder.

Did you also notice that the definitions were not qualified to only apply to a specific chapter or section? That means that they apply generally throughout the Internal Revenue Code and implementing regulations. Therefore, we must conclude that the REAL “individual” in the phrase “U.S. **Individual** Income Tax Return” (IRS Form 1040) that Congress and the IRS are

referring to can only mean “nonresident alien INDIVIDUALS” and “alien INDIVIDUALS”. That is why they don’t just come out and say “U.S. Citizen Tax Return” on the 1040 form. If you aren’t a STATUTORY “individual”, then obviously you are filing the WRONG form to file the 1040, which is a RESIDENT form for those DOMICILED on federal territory. This is covered in the following:

Why It’s a Crime for a State Citizen to File a 1040 Income Tax Return, Form #08.021  
<https://sedm.org/Forms/FormIndex.htm>

Therefore, all CIVIL “individuals” are STATUTORY “aliens”. Hence, the ONLY people under Title 26 of the U.S. Code who are BOTH “persons” and “individuals” are ALIENS. Under the rules of statutory construction “citizens” of every description are EXCLUDED from being STATUTORY “persons”.

*"It is apparent that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions."  
[Bailey v. Alabama, 219 U.S. 219 (1911)]*

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

*"**When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning.** *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated"); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
[*Stenberg v. Carhart*, 530 U.S. 914 (2000)]*

Who might these CIVIL “persons” be who are also “individuals”? They must meet all the following conditions simultaneously to be “taxpayers” and “persons”:

1. CIVIL “U.S. citizens” or CIVIL U.S. residents” domiciled in the geographical “United States” under 26 U.S.C. §7701(a)(9) and (a)(10) and/or 4 U.S.C. §110(d).
2. Temporarily abroad on travel under 26 U.S.C. §911.
3. Availing themselves of a tax treaty benefit (franchises) and therefore liable to PAY for said “benefit”.
4. Interface to the Internal Revenue Code as “aliens” in relation to the foreign country they are physically in but not domiciled in at the time.
5. Called a “qualified individual” in 26 U.S.C. §911(d)(1).

Some older versions of the code call the confluence of conditions above a “nonresident citizen”. The above are confirmed by the words of Jesus Himself!

*And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or taxes, from their sons [citizens and subjects] or from strangers [statutory "aliens", which are synonymous with "residents" in the tax code, and exclude "citizens"]?"*

*Peter said to Him, "From strangers [statutory "aliens"]/"residents" ONLY. See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.1441-1(c)(3)."*

*Jesus said to him, "Then the sons [of the King, Constitutional but not statutory "citizens" of the Republic, who are all sovereign "nationals" and "non-resident non-persons"] are free [sovereign over their own person and labor. e.g. SOVEREIGN IMMUNITY]."*  
*[Matt. 17:24-27, Bible, NKJV]*

Note some other very important things that distinguish CIVIL “U.S. Persons” from CIVIL “persons”:

1. The CIVIL term “U.S. \*\*\*\*” in the phrase “U.S. Person” as used in 26 U.S.C. §7701(a)(30) is never defined anywhere in the Internal Revenue Code, and therefore does NOT mean the same as “United States” in its geographical sense as defined in 26 U.S.C. §7701(a)(9) and (a)(10). It is a violation of due process to PRESUME that the two are equivalent.
2. The definition of CIVIL “person” in 26 U.S.C. §7701(a)(1) does not include CIVIL “citizens” or “residents”.
3. The definition of a CIVIL “U.S. \*\*\*\* person” in 26 U.S.C. §7701(a)(30) does not include CIVIL “individuals”.
4. Nowhere in the code are CIVIL “individuals” ever expressly defined to include CIVIL “citizens” or “residents”. Hence, under the rules of statutory construction, they are purposefully excluded.
5. Based on the previous items, there is no overlap between the definitions of CIVIL “person” and CIVIL “U.S. Person” in the case of human beings who are ALSO CIVIL “citizens” or “residents”.
6. The only occasion when a human being can ALSO be a CIVIL “person” is when they are neither a CIVIL “citizen” nor a CIVIL “resident” and are a CIVIL “individual”.
7. The only CIVIL “person” who is neither a CIVIL “citizen” nor a CIVIL “resident” and is ALSO a CIVIL “individual” is a “nonresident alien individual”:

26 U.S.C. §7701(b)(1)(B) Nonresident alien

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

8. The previous item explains why nonresident aliens are the ONLY type of CIVIL “individual” subject to tax withholding in 26 U.S.C. Subtitle A, Chapter 3, Subchapter A and who can earn taxable income under the I.R.C.: The only “individuals” listed are “nonresident aliens”:

26 U.S. Code Subchapter A - Nonresident Aliens and Foreign Corporations

§ 1441 - Withholding of tax on nonresident aliens

§ 1442 - Withholding of tax on foreign corporations

§ 1443 - Foreign tax-exempt organizations

§ 1444 - Withholding on Virgin Islands source income

§ 1445 - Withholding of tax on dispositions of United States real property interests

§ 1446 - Withholding tax on foreign partners' share of effectively connected income

9. There is overlap between CIVIL “U.S. Person” and CIVIL “person” in the case of trusts, corporations, and estates, but NOT “individuals”. All such entities are artificial and fictions of law. Even they can in some cases be “citizens” or “residents” and therefore nontaxpayers:

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

*[19 Corpus Juris Secundum (C.J.S.), Corporations, §886 (2003)]*

10. Corporations can also be individuals instead of merely and only corporations:

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

States is "a corporation"). See generally *Trustees of Dartmouth College v. Woodward*, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").  
[*Ngiraingas v. Sanchez*, 495 U.S. 182 (1990)]

We have therefore come full circle in forcefully concluding that CIVIL "persons" and CIVIL "U.S. persons" are not equivalent and non-overlapping in the case of CIVIL "citizens" and "residents", and that the only type of entity a human being can be if they are a CIVIL "citizen" or "resident" is a CIVIL "U.S. person" under 26 U.S.C. §7701(a)(30) and NOT a CIVIL "person" under 26 U.S.C. §7701(a)(1).

None of the following could therefore TRUTHFULLY be said about a CIVIL "U.S. Person" who are human beings that are CIVIL "citizens" or CIVIL "residents":

1. They are CIVIL "individuals" as described in 26 C.F.R. §1.1441-1(c)(3)(i).
2. That they are a SUBSET of all CIVIL "persons" in 26 U.S.C. §7701(a)(1).
3. That they are ALSO CIVIL "persons" in 26 U.S.C. §7701(a)(1).

Lastly, we wish to emphasize that it constitutes a CRIME and perjury for someone who is in fact and in deed a CIVIL "citizen" to misrepresent themselves as a STATUTORY "individual" (alien) by performing any of the following acts:

1. Declaring yourself to be a "payee" by submitting an IRS Form W-8 or W-9 to an alleged "withholding agent" while physically located in the statutory "United States\*" (federal zone) or in a state of the Union. All human being "payees" are "persons" and therefore "individuals". "U.S. persons" who are not aliens are NOT "persons". Statutory citizens or residents must be ABROAD to be a "payee" because only then can they be both "individuals" and "qualified individuals" under 26 U.S.C. §911(d)(1).

[Title 26](#) > [Chapter I](#) > [Subchapter A](#) > [Part I](#) > [Section 1.1441-1](#)  
[26 CFR 1.1441-1 - Requirement for the deduction and withholding of tax on payments to foreign persons.](#)

[§ 1.1441-1 Requirement](#) for the deduction and [withholding](#) of tax on [payments](#) to foreign [persons](#).

(b) General rules of withholding-

(2) Determination of payee and payee's status-

(i) In general.

[. . .] "[a payee is the person to whom a payment is made](#), regardless of whether such [person](#) is the [beneficial owner](#) of the [amount](#) (as [defined](#) in [paragraph \(c\)\(6\)](#) of this section)."

2. Filing an IRS Form 1040. The form in the upper left corner says "U.S. Individual" and "citizens" are NOT STATUTORY "individuals". See:

[Why It's a Crime for a State Citizen to File a 1040 Income Tax Return](#), Form #08.021  
<https://sedm.org/Forms/FormIndex.htm>

3. To apply for or receive an "INDIVIDUAL Taxpayer Identification Number" using an IRS Form W-7. See:

[Individual Taxpayer Identification Number](#), Internal Revenue Service  
<https://www.irs.gov/individuals/individual-taxpayer-identification-number>

The ONLY provision within the Internal Revenue Code that permits those who are CIVIL "citizens" to claim the status of either CIVIL "individual" or CIVIL "alien" is found in 26 U.S.C. §911(d)(1), in which the citizen is physically abroad in a foreign country, in which case he or she is called a "qualified individual".

U.S. Code > [Title 26](#) > [Subtitle A](#) > [Chapter I](#) > [Subchapter N](#) > [Part III](#) > [Subpart B](#) > [§ 911](#)

[26 U.S. Code § 911 - Citizens or residents of the United States living abroad](#)

(d) DEFINITIONS AND SPECIAL RULES

For purposes of this section—

(I) QUALIFIED INDIVIDUAL

The term “qualified individual” **means an individual** whose tax home is in a foreign country and who is—

(A) a citizen of the United States and establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, or

(B) a citizen or resident of the United States and who, during any period of 12 consecutive months, is present in a foreign country or countries during at least 330 full days in such period.

The above provisions SUPERSEDE the definitions within [26 U.S.C. §7701](#) only within [section 911](#) for the specific case of citizens when abroad ONLY. Those who are not physically “abroad” or in a foreign country CANNOT truthfully claim to be “individuals” and would be committing perjury under penalty of perjury if they signed any tax form, INCLUDING a 1040 form, identifying themselves as either an “individual” or a “U.S. individual” as it says in the upper left corner of the 1040 form. If this limitation of the income tax ALONE were observed, then most of the fraud and crime that plagues the system would instantly cease to exist.

#### 14.10.5 “U.S. Persons” who are ALSO “persons”

26 C.F.R. §1.1441(c)(8) identifies “U.S. Persons” who are also “persons” under the Internal Revenue Code:

(8)Person.

For [purposes](#) of the regulations under chapter 3 of the Code, the term person shall mean a [person](#) described in section 7701(a)(1) and the regulations under that section and [a U.S. branch to the extent treated as a U.S. person under paragraph \(b\)\(2\)\(iv\) of this section](#). For [purposes](#) of the regulations under chapter 3 of the Code, the term person does not include a wholly-owned [entity](#) that is disregarded for federal tax [purposes](#) under [§ 301.7701-2\(c\)\(2\) of this chapter](#) as an [entity](#) separate from its [owner](#). See [paragraph \(b\)\(2\)\(iii\) of this section](#) for procedures applicable to [payments](#) to such entities.  
[26 C.F.R. §1.1441-1(c)(8)]

The ONLY way that a human being who is a CIVIL “U.S. person” physically located within the statutory geographical “United States\*\*” (federal zone) or states of the Union can become a STATUTORY “person” is to:

1. Be treated wrongfully AS IF they are a “payee” by an ignorant “withholding agent” under 26 C.F.R. §1.1441.
2. Be falsely PRESUMED to be a CIVIL “individual” or CIVIL “person”. All such conclusive presumptions which impair constitutional rights are unconstitutional and impermissible as we prove in the following:

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

All such presumption should be FORCEFULLY CHALLENGED. Anyone making such a presumption should be DEMANDED to satisfy their burden of proof and produce a statutory definition that expressly includes those who are either CIVIL “citizens” or CIVIL “residents”. In the absence of such a presumption, you as the victim of such an unconstitutional presumption must be presumed to be innocent until proven guilty, which means a “non-person” and a “non-taxpayer” unless and until proven otherwise WITH COURT ADMISSIBLE EVIDENCE SIGNED UNDER PENALTY OF PERJURY BY THE MOVING PARTY, which is the withholding agent.

3. Volunteer to fill out an unmodified or not amended IRS Form W-8 or W-9. Both forms PRESUPPOSE that the submitter is a “payee” and therefore a “person” under 26 C.F.R. §1.1441-1(b)(2)(i). A withholding agent asserting usually falsely that you have to fill out this form MUST make a false presumption that you are a CIVIL “person” but he CANNOT make that determination without forcing you to contract or associate in violation of law. ONLY YOU as the submitter can lawfully do that. If you say under penalty of perjury that you are NOT a CIVIL “person” or “individual”, then he has to take your word for it and NOT enforce the provisions of 26 C.F.R. §1.1441-1 against you. If he refuses you this right, he is committing criminal witness tampering, since the form is signed under penalty of perjury and he compelling a specific type of testimony from you. See:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

4. Fill out an IRS Form W-8. Block 1 for the name of the submitter calls the submitter an “individual”. You are NOT a CIVIL “individual” since individuals are aliens as required by 26 C.F.R. §1.1441-1(c)(3). Only STATUTORY “U.S. citizens” abroad can be “individuals” and you aren’t abroad if you are either on federal territory or within a constitutional state.



1 The result of ALL of the above is CRIMINAL IDENTIFY THEFT at worst as described in Form #05.046, and impersonating  
2 a public officer called a “person” and “individual” at best in violation of 18 U.S.C. §912 as described in Form #05.008.

3 There is also much overlap between the definition of “person” and “U.S. person”. The main LACK of overlap occurs with  
4 “individuals”. The main reason for this difference in overlap is the fact that HUMAN BEINGS have constitutional rights  
5 while artificial entities DO NOT. Below is a table comparing the two, keeping in mind that the above regulation refers to the  
6 items listed that both say “Yes”, but not to “individuals”:

7 **Table 18: Comparison of "person" to "U.S. Person"**

#	Type of entity	“person”? 26 U.S.C. §7701(a)(1)	“U.S. Person” 26 U.S.C. §7701(a)(30)
1	Individual	Yes	No (replaced with “citizen or resident of the United States**”)
2	Trust	Yes	Yes
3	Estate	Yes	Yes
4	Partnership	Yes	Yes
5	Association	Yes	Not listed
6	Company	Yes	Not listed
7	Corporation	Yes (federal corporation domiciled on federal territory only)	Yes (all corporations, including state corporations)

8 We believe that the “citizen or resident of the United States\*\*” listed in item 1 above and in 26 U.S.C. §7701(a)(30)(A) is  
9 PRIVILEGED fictional office in the national government domiciled in the District of Columbia. Those domiciled in states  
10 of the Union would be NEITHER, and therefore would NOT be classified as CIVIL “individuals”, even if they otherwise  
11 satisfied the definition of CIVIL “individual” found in 26 C.F.R. §1.1441-1(c)(3). This results from the geographical  
12 definition of “United States” found in 26 U.S.C. §7701(a)(9) and (a)(10). Below is an example of why we believe this:

13 [26 C.F.R. §31.3121\(e\)-1 State, United States, and citizen](#)

14 (b)...The term 'citizen of the United States' includes a citizen of the Commonwealth of Puerto Rico or the Virgin  
15 Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.

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## 14.10.6 Types of "Individuals" and their characteristics

#	Description	Definition	"U.S. person"		"Foreign Person"			Notes
			citizen	resident	alien individual	nonresident alien individual	nonresident alien	
1	Defined in	NA	<a href="#">26 U.S.C. §3121</a> ;  <a href="#">26 C.F.R. §1.1-1(c)</a>	<a href="#">26 U.S.C. §7701(b)(1)(A)</a>	<a href="#">26 C.F.R. §1.1441-1(c)(3)(i)</a> . Described as an "alien individual"	<a href="#">26 C.F.R. §1.1441-1(c)(3)(ii)</a> . Described as an "individual"	<a href="#">26 U.S.C. §7701(b)(1)(B)</a> . Described as an "individual".	
2	An office within U.S. Inc? (personal jurisdiction)		Y	Y	N	N	N	
3	Domestic (within the CORPORATION, not the geography)?		Y	Y	N	N	N	
4	Domicile in the statutory geographical "United States" because the corporation "U.S. Inc." is domiciled there?		Y	Y	N	N	N	
5	File 1040?		Y	Y	N	N	N	
6	File 1040NR?		N	N	Y	Y	Y	
7	Present in the United States test?	<a href="#">26 U.S.C. §7701(b)(7)</a>	Y	Y	Y	Y	Y	Uses the word "individual"
8	Can have tax home?	<a href="#">26 C.F.R. §301.7701(b)-2(c)</a>	Y	Y	Y	Y	Y	Uses word "individual"
9	Substantial Presence Test	<a href="#">26 U.S.C. §7701(b)(3)</a>	N	N	Y	N	N	Uses the word "individual" but is mentioned only by <a href="#">26 U.S.C. §7701(b)(1)(A)(ii)</a> , which is only in the context of "alien individuals"..
10	Closer connection to foreign country	<a href="#">26 C.F.R. §301.7701(b)-2(d)</a>	N	N	Y	N	N	Uses the word "alien individual"
11	First year of residency test	<a href="#">26 U.S.C. §7701(b)(2)(A)</a>	N	N	Y	N	N	
12	Last year of residency test	<a href="#">26 U.S.C. §7701(b)(2)(B)</a>	N	N	Y	N	N	
13	First year of election test	<a href="#">26 U.S.C. §7701(b)(4)</a>	N	N	Y	N	N	
14	Expatriation to avoid tax in 26 U.S.C. §877?	<a href="#">26 U.S.C. §7701(b)(10)</a>	Y	N	N	Y	Y	Uses the word "alien individual"

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### NOTES:

1. All privileges come with associated offices in the government:

**privilege** \ 'priv-lij, 'pri-və- \ noun

[Middle English, from Anglo-French, from Latin *privilegium* law for or against a private person, from *privus* private + *leg-*, *lex* law] 12th century: a right or immunity granted as a peculiar benefit, advantage, or favor: prerogative especially: such a **right or immunity attached specifically to a position or an office**

[Mish, F. C. (2003). Preface. Merriam-Websters collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-Webster, Inc.]

2. Domicile is a PRIVILEGE. See:

Lawrence v. State Tax Commission, 286 U.S. 276 (1932)  
[https://scholar.google.com/scholar\\_case?case=10241277000101996613](https://scholar.google.com/scholar_case?case=10241277000101996613)

3. The income tax is upon the DOMICILE of the "taxpayer" and NEVER on the NATIONALITY of the officer.

4. Domicile is always GEOGRAPHICAL and never VIRTUAL.

5. The OFFICE and the OFFICER can have domiciles completely independently of each other. This is shown in [Federal Rule of Civil Procedure 17](#).

6. The domicile of the United States federal corporation under [28 U.S.C. §3002](#)(15)(A) is the District of Columbia per [4 U.S.C. §72](#) and Article 1, Section 8, Clause 17 of the Constitution.

7. While you are representing the United States Inc. federal corporation as an officer of that corporation, your effective domicile is that of the corporation you work for under [Federal Rule of Civil Procedure 17](#).

8. A "qualified individual" under [26 U.S.C. §911](#)(d)(1) is a STATUTORY U.S. citizen or U.S. resident whose "tax home" is situated in a "foreign country" as defined in [26 C.F.R. §301.7701\(b\)-2](#)(b) AND who is:

8.1. A citizen of the United States and establishes to the satisfaction of the Secretary that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, or

8.2. A citizen or resident of the United States and who, during any period of 12 consecutive months, is present in a foreign country or countries during at least 330 full days in such period.

9. A "tax home" simply means that they have declared privileged "trade or business" deductions under [26 U.S.C. §162](#).

9.1. That is what it says in [26 C.F.R. §301.7701\(b\)-2](#)(c). Thus, they are engaging in a privilege and thus an OFFICE that has a domicile in the District of Columbia.

9.2. In that scenario, they are in effect "resident agents" situated abroad representing an office in the District of Columbia. As "resident agents".

9.3. In the absence of "trade or business" deductions under [26 U.S.C. §162](#), the "tax home" becomes the abode of the OFFICER rather than the OFFICE under [26 C.F.R. §301.7701\(b\)-2](#)(c).

10. [26 C.F.R. §301.7701\(b\)-2](#)(c):

10.1. Defines a "tax home" as the place where you engage in a privileged "trade or business" under [26 U.S.C. §162](#) as an officer of the United States. That office is VIRTUAL and not PHYSICAL, but it is domiciled in the location of its corporate parent. Thus, pursuant to Federal Rule of Civil Procedure 17(b), the OFFICE is domiciled where the United States Inc. is domiciled, which is the District of Columbia under Article 1, Section 8, Clause 17 and [4 U.S.C. §72](#).

10.2. Also says that if there is NO privileged "trade or business" activity, the "tax home" devolves to that of the OFFICER rather than the OFFICE, which is usually in a "foreign country".

11. [26 C.F.R. §301.7701\(b\)-2](#)(b):

11.1. Defines "foreign country" as anything OTHER than the statutory geographical United States in [26 U.S.C. §7701](#)(a)(9) and (a)(10).

11.2. Establishes the states of the Union, territories, and even possessions are all foreign countries and identifies "individuals" in these places foreign and thus a "nonresident alien" under [26 U.S.C. §7701](#)(b)(1)(B) instead of a "U.S. person" under [26 U.S.C. §7701](#)(a)(30).

12. A "national", Fourteenth Amendment citizen, or STATUTORY "citizen" under [8 U.S.C. §1401](#) or [26 C.F.R. §1.1-1](#)(c) are NEVER subject to the Substantial Presence Test in [26 U.S.C. §7701](#)(b)(3).

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**14.11    Four Withholding and Reporting Statuses Compared**

Albert Einstein is famous for saying:

*“The essence of genius is simplicity”.*

This section tries to simplify most of what you need to know about withholding and reporting forms and statuses into the shortest possible tabular list that we can think of.

First, we will start off by comparing the four different withholding and reporting statuses in tabular form. For each, we will compare the withholding, reporting, and SSN/TIN requirements and where those requirements appear in the code or regulations. For details on how the statuses described relate, refer earlier to section 14.10.

Jesus summarized the withholding and reporting requirements in the holy bible, and he was ABSOLUTELY RIGHT! Here is what He said they are:

*And when he had come into the house, Jesus anticipated him, saying, "What do you think, Simon? From whom do the kings [governments] of the earth [lawfully] take customs or [taxes](#), from their sons [citizens and subjects] or from strangers [["aliens"](#), which are synonymous with "[residents](#)" in the tax code, and exclude "[citizens](#)"]?"*

*Peter said to Him, "From strangers [["aliens"](#)/["residents"](#)] ONLY. See [26 C.F.R. §1.1-1\(a\)\(2\)\(ii\)](#) and [26 C.F.R. §1.1441-1\(c\)\(3\)](#)]."*

*Jesus said to him, "Then the sons [["citizens"](#)] of the Republic, who are all [sovereign "nationals"](#) and "[non-resident non-persons](#)" under federal law] are free [sovereign over their own person and labor. e.g. [SOVEREIGN IMMUNITY](#)]. "*  
*[[Matt. 17:24-27](#), Bible, NKJV]*

The table in the following pages PROVES He was absolutely right. To put it simply, the only people who don’t have rights are those whose rights are “alienated” because they are privileged “aliens” or what Jesus called “strangers”. For details on why all “aliens” are privileged and subject to taxation and regulation, see section 14.10.1 earlier.

An online version of the subsequent table with activated hotlinks can be found in:

<p><i>Citizenship Status v. Tax Status</i>, Form #10.011, Section 13 <a href="https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm">https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm</a></p>
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1 **Table 19: Withholding, reporting, and SSN requirements of various civil statuses**

#	Characteristic	<a href="#">“Employee”</a>	<a href="#">“Foreign Person”</a>	<a href="#">“U.S. Person”</a>	<a href="#">“Non-Resident Non-Person” (See Form #05.020)</a>
1	<b>Defined in</b>	26 U.S.C. §3401(c)	See IRS Website: <a href="https://www.irs.gov/individuals/international-taxpayers/foreign-persons">https://www.irs.gov/individuals/international-taxpayers/foreign-persons</a>	26 U.S.C. §7701(a)(30)	Not directly defined in code. 26 U.S.C. §7701(a)(31) comes closest.
2	<b>Presumption rule(s)</b>		All “aliens” are presumed to be “nonresident aliens” by default. 26 C.F.R. §1.871-4(b).	Payments supplied without documentation are presumed to be made to a “U.S. person” under 26 C.F.R. §1.1441-1(b)(3)(iii).	None
3	<b>Withholding form(s)</b>	Form W-4	Form W-8	1. Form W-9 2. FORM 9 3. Allowed to make your own Substitute Form W-9. See Note 10 below.	1. Custom form 2. Modified or amended Form W-8 or Form W-9 3. FORM 10 4. FORM 13
4	<b>Withholding requirements</b>	26 U.S.C. §3402	Only if engaged in a “trade or business”. 26 U.S.C. §3406: Backup Withholding. Withholding ONLY on “reportable payments”, which means “trade or business”/public office under 26 U.S.C. §6041(a).	None if mark “OTHER” on Form W-9 and invoke 26 C.F.R. §1.1441-1(d)(1) and <a href="#">TD8734 (62 F.R. 53391, SEDM Exhibit #09.038)</a>	None. All earnings are a “foreign estate” under 26 U.S.C. §7701(a)(31)
5	<b>Reporting form(s)</b>	<a href="#">Form W-2</a>	<a href="#">Form 1042</a>	<a href="#">Form 1099</a>	None. Any information returns that are filed MUST be rebutted and corrected. See <a href="#">Form #04.001</a>
6	<b>Reporting requirements<sup>80</sup></b>		Only if not engaged in a “trade or business”/public office. See 26 U.S.C. §6041. 26 U.S.C. §3406 lists types of “trade or business” payments that are “reportable”.	None if mark “OTHER” on Form W-9 and invoke 26 C.F.R. §1.1441-1(d)(1) and <a href="#">TD8734 (62 F.R. 53391, SEDM Exhibit #09.038)</a> .	None.
7	<b>SSN/TIN Requirement<sup>81</sup></b>		Only if not engaged in a “trade or business”/public office. See 26 C.F.R. §301.6109-1(b)(2) and 31 C.F.R. §306.10, Note 2, 31 C.F.R. §1020.410(b)(3)(x). Use an “INDIVIDUAL Taxpayer Identification Number (ITIN)”. 26 C.F.R. §301.6109-1(d)(3)	Yes, if eligible. Most are NOT under 26 U.S.C. §6109 or the Social Security Act. <sup>82</sup> See 26 C.F.R. §301.6109-1(b)(1)	None
8	<b>Civil status in top row of this column includes</b>	Any PRIVATE PARTY who files and thereby commits the crime of impersonating a public officer, 18 U.S.C. §912.	1. Resident Aliens (26 U.S.C. §7701(b)(1)(A)) 2. Nonresident aliens (26 U.S.C. §7701(b)(1)(B))	Anyone who files the Form W-4 (don’t do it, it’s a CRIME if you aren’t an elected or appointed public officer of the U.S. Inc., 18 U.S.C. §912)	A private human being domiciled in a constitutional state who: 1. Absolutely owns all of their property; 2. Is outside the statutory jurisdiction of the federal courts; 3. Owes NO DUTY to any government under 26 U.S.C.. Also called a “transient foreigner” or “stateless person” by the courts.

<sup>80</sup> For detailed background on reporting requirements, see: *Correcting Erroneous Information Returns*, Form #04.001; <https://sedm.org/Forms/FormIndex.htm>.

<sup>81</sup> See *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012; <https://sedm.org/Forms/FormIndex.htm>.

<sup>82</sup> See: 1. *Why It is Illegal for Me to Request or Use a “Taxpayer Identification Number”*, Form #04.205, <https://sedm.org/Forms/FormIndex.htm>; 2. *Why You Aren’t Eligible for Social Security*, Form #06.001, <https://sedm.org/Forms/FormIndex.htm>.



#	Characteristic	<a href="#">“Employee”</a>	<a href="#">“Foreign Person”</a>	<a href="#">“U.S. Person”</a>	<a href="#">“Non-Resident Non-Person” (See Form #05.020)</a>
9	<b>Includes STATUTORY “individuals” as defined in 26 C.F.R. §1.1441-1(c)(3)?</b>	Only when abroad under 26 U.S.C. §911(d)	Yes, if you: 1. Check “individual” in block 3 of the Form W-8 or 2. Use an “INDIVIDUAL Taxpayer Identification Number (ITIN)”. 26 C.F.R. §301.6109-1(d)(3).	Only when abroad under 26 U.S.C. §911(d)	No
10	<b>Statutory “person” under 26 U.S.C. §7701(a)(1)?</b>	Yes (because “employees” under 5 U.S.C. §2105(a) are “individuals”)	Yes, if you: 1. Check “individual” in block 3 of the Form W-8 or 2. Use an “INDIVIDUAL Taxpayer Identification Number (ITIN)”. 26 C.F.R. §301.6109-1(d)(3).	Yes: 1. “person” is defined in 26 U.S.C. §7701(a)(1) to include “individuals” (aliens). 2. Statutory “citizens of the United States**” under 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A) become “individuals” only when abroad and accepting tax treaty benefits under 26 U.S.C. §911(d)	No
11	<b>Citizenship status<sup>83</sup></b>	NA	1. “Resident alien” 26 U.S.C. §7701(b)(1)(A). 2. “alien” 8 U.S.C. §1101(a)(3).	1. “citizen or resident of the United States[**]” 26 U.S.C. §7701(a)(30)(A) 2. “national and citizen of the United States[**] at birth” 8 U.S.C. §1401 3. “citizen of the “united States[**]” 8 U.S.C. §1101(a)(22)(A).	1. Fourteenth Amendment CONSTITUTIONAL citizen. 2. “a person who, though not a citizen of the United States, owes permanent allegiance to the United States” 8 U.S.C. §1101(a)(22)(B). 3. “nationals but not citizens of the United States[**] at birth” 8 U.S.C. §1408.
12	<b>Domiciled on federal territory in the “United States**” (federal zone)?</b>	“Employee” office under 5 U.S.C. §2105(a) is domiciled in the District of Columbia under 4 U.S.C. §72	1. No. 2. If you apply for an “INDIVIDUAL Taxpayer Identification Number (ITIN)” and don’t define “individual” as “non-resident non-person nontaxpayer” and private, you will be PRESUMED to consent to represent the office of statutory “individual” which is domiciled on federal territory.	Yes. You can’t be a statutory “U.S.** citizen” under 8 U.S.C. §1401 or statutory “U.S.** resident” under 26 U.S.C. §7701(b)(1)(A) without a domicile on federal territory.	No
13	<b>Source of domicile on federal territory</b>	Representing an office that is domiciled in the “United States**/federal zone under 4 U.S.C. §72 and Federal Rule of Civil Procedure 17(b)			Domiciled outside the federal zone and not subject. Not representing a federal office.
14	<b>Earnings are STATUTORY “wages”?</b>	Yes. See Note 16 below for statutory definition of “wages”.	No	No	No
15	<b>Can “elect” to become a STATUTORY “individual”?</b>	NA	Yes, by accepting tax treaty benefits when abroad. 26 C.F.R. §301.7701(b)-7.	Yes, by accepting tax treaty benefits when abroad. 26 U.S.C. §911(d) and 26 C.F.R. §301.7701(b)-7.	Yes, by accepting tax treaty benefits when abroad. 26 C.F.R. §301.7701(b)-7.

#### NOTES:

1. All CIVIL “individuals” are aliens under 26 C.F.R. §1.1441-1(c)(3). They hid this deep in the regulations instead of the code, hoping you wouldn’t notice it. For more information on who are “persons” and “individuals” under the Internal Revenue Code, see section 14.10 earlier.

<sup>83</sup> For further details on citizenship, see: *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006; <https://sedm.org/Forms/FormIndex.htm>.

2. You CANNOT be a “nonresident alien” as a human being under 26 U.S.C. §7701(b)(1)(B) WITHOUT also being a statutory “individual”, meaning an ALIEN under 26 C.F.R. §1.1441-1(c)(3).
3. “Civil status” means any status under any civil statute, such as “individual”, “person”, “taxpayer”, “spouse”, “driver”, etc.
4. One CANNOT have a civil status under the civil statutes of a place without EITHER:
- 4.1. A consensual physical domicile in that geographical place.
- 4.2. A consensual CONTRACT with the government of that place.
- For proof of the above, see: *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002; <https://sedm.org/Forms/FormIndex.htm>. The U.S. Supreme Court has admitted as much:

*“All the powers of the government [including ALL of its civil enforcement powers against the public] must be carried into operation by individual agency, either through the medium of public officers, or contracts made with [private] individuals.”*  
[*Osborn v. Bank of U.S.*, 22 U.S. 738 (1824)]

5. Any attempt to associate or enforce a NON-CONSENSUAL civil status or obligation against a human being protected by the Constitution because physically situated in a Constitutional state is an act of criminal identity theft, as described in:

*Government Identity Theft*, Form #05.046  
<https://sedm.org/Forms/FormIndex.htm>

6. The civil status of “taxpayer” under 26 U.S.C. §7701(a)(14) PRESUMES the party is also a CIVIL “person” under 26 U.S.C. §7701(a)(1).
7. “Reportable payments” earned by “foreign persons” under 26 U.S.C. §3406 are those which satisfy ALL of the following requirements:
- 7.1. Connected with a “trade or business” and public office under 26 U.S.C. §6041(a).
- 7.2. Satisfy the requirements found in 26 U.S.C. §3406.
- 7.3. Earned by a statutory “employee” under 26 C.F.R. §31.3401(c)-1, meaning an elected or appointed public officer of the United States government. Note that 26 U.S.C. §3406 is in Subtitle C, which is “employment taxes” and within 26 U.S.C. Chapter 24, which is “collection of income tax at source of wages”. Private humans don’t earn statutory “wages”.
8. Backup withholding under 26 U.S.C. §3406 is only applicable to “foreign persons” who are ALSO statutory “employees” and earning “trade or business” or public office earnings on “reportable payments”. It is NOT applicable to those who are ANY of the following:
- 8.1. Not an elected or appointed public officer.
- 8.2. Not engaged in a “trade or business” under 26 U.S.C. §7701(a)(26) and therefore not receiving “reportable payments” under 26 U.S.C. §6041(a).
9. Payments supplied without documentation are presumed to be made to a “U.S. person” under 26 C.F.R. §1.1441-1(b)(3)(iii).
10. You are allowed to make your own Substitute Form W-9 per 26 C.F.R. §31.3406(h)-3(c)(2). The form must include the payees name, address, and TIN (if they have one). The form is still valid even if they DO NOT have an identifying number. See FORM 9 in Form #09.001, Section 25.9.
11. IRS hides the exempt status on the Form W-9 identified in 26 C.F.R. §1.1441-1(d)(1) and [TD8734 \(62 F.R. 53391, SEDM Exhibit #09.038\)](#).

*“As a general matter, a withholding agent (whether U.S. or foreign) must ascertain whether the payee is a U.S. or a foreign person. If the payee is a U.S. person, the withholding provisions under chapter 3 of the Code do not apply; however, information reporting under chapter 61 of the Code may apply; further, if a TIN is not furnished in the manner required under section 3406, backup withholding may also apply. If the payee is a foreign person, however, the withholding provisions under chapter 3 of the Code apply instead. To the extent withholding is required under chapter 3 of the Code, or is excused based on documentation that must be provided, none of the information reporting provisions under chapter 61 of the Code apply, nor do the provisions under section 3406.”*  
[*Treasury Decision 8734, 62 F.R. 53391, (October 14, 1997); SEDM Exhibit #09.038*]

It appeared on the Form W-9 up to year 2011 and mysteriously disappeared from the form after that. It still applies, but invoking it is more complicated. You have to check “Other” on the current Form W-9 and cite 26 C.F.R. §1.1441-1(d)(1) and [TD8734 \(62 F.R. 53391, SEDM Exhibit #09.038\)](#) in the write-in block next to it.

- 1 12. Those who only want to learn the “code” and who are attorneys worried about being disbarred by a judge in cases against the government prefer the “U.S. person”  
2 position, even in the case of state nationals. It’s a way of criminally bribing the judge to buy his favor and make the case easier for him, even though technically it  
3 doesn’t apply to state nationals.
- 4 13. “U.S. person” should be avoided because of the following liabilities associated with such a status:  
5 13.1. Must provide SSN/TIN pursuant to 26 C.F.R. §301.6109-1(b)(1).  
6 13.2. Must report foreign bank accounts.  
7 13.3. Subject to FATCA foreign account limitations because a “taxpayer”. See:  
8 <https://www.irs.gov/businesses/corporations/foreign-account-tax-compliance-act-fatca>
- 9 14. The ONLY civil status you can have that carries NO OBLIGATION of any kind is that of a “non-resident non-person”. It is the most desirable but the most  
10 difficult to explain and document to payors. The IRS is NEVER going to make it easy to document that you are “not subject” but not statutorily “exempt” and  
11 therefore not a “taxpayer”. This is explained in Form #09.001, Section 19.7.
- 12 15. Form numbers such as "FORM XX" where "XX" is the number and which are listed above derive from: [Federal and State Tax Withholding Options for Private](#)  
13 [Employers, Form #09.001, Section 25](#)
- 14 16. Statutory “wages” are defined in:

*Sovereignty Forms and Instructions Online*, Form #10.004, Cites by Topic: “wages”  
<https://famguardian.org/TaxFreedom/CitesByTopic/wages.htm>

1

2   **14.12   Withholding and Reporting By Geography**

3   Next, we will summarize withholding and reporting statuses by geography.

1 **Table 20: Income Tax Withholding and Reporting by Geography**

#	Characteristic	Everywhere	Federal territory	Federal possession	States of the Union	Abroad
1	<b>Location</b>	Anywhere where public offices are expressly authorized per 4 U.S.C. §72. <sup>84</sup>	“United States**” per 8 U.S.C. §7701(a)(9) and (a)(10)	Possessions listed in 48 U.S.C.	“United States***” as used in the USA Constitution	Foreign country
2	<b>Example location(s)</b>	NA	District of Columbia	American Samoa Swain’s Island	California	China
3	<b>Citizenship status of those born here</b>	NA	“national and citizen of the United States** at birth” per 8 U.S.C. §1401	“nationals but not citizens of the United States at birth” per 8 U.S.C. §1408	Fourteenth Amendment “citizen of the United States”	Foreign national
4	<b>Tax status(es) subject to taxation</b>	“Employee” per 26 U.S.C. §3401(c) and 5 U.S.C. §2105(a)	1. Foreign persons 2. “U.S. persons” who do NOT select “exempt” per 26 C.F.R. §1.1441-1(d)(1) and <a href="#">TD8734 (62 F.R. 53391, SEDM Exhibit #09.038)</a>	1. Foreign persons 2. “U.S. persons” who do NOT select “exempt” per 26 C.F.R. §1.1441-1(d)(1) and <a href="#">TD8734 (62 F.R. 53391, SEDM Exhibit #09.038)</a>	None	1. Statutory citizens (8 U.S.C. §1401) domiciled in federal zone and temporarily abroad 2. Resident aliens (26 U.S.C. §7701(b)(1)(A)) domiciled in the federal zone and temporarily abroad.
5	<b>Authority for taxation of those subject to taxation</b>	26 U.S.C. Subtitle C	26 U.S.C. §1. See Note 1 below.	26 U.S.C. §1. See Note 1 below.	None	1. 26 U.S.C. §1. See Note 1 below. 2. 26 U.S.C. §911 3. 26 C.F.R. §301.7701(b)-7
6	<b>Taxability of “foreign persons” here</b>	NA	The main “taxpayers”	The main “taxpayers”	The main “taxpayers”	None
7	<b>Taxability of “U.S. persons” here</b>	NA	Only if STUPID enough not to take the 26 C.F.R. §1.1441-1(d)(1) and <a href="#">TD8734 (62 F.R. 53391, SEDM Exhibit #09.038)</a> exemption	Only if STUPID enough not to take the 26 C.F.R. §1.1441-1(d)(1) and <a href="#">TD8734 (62 F.R. 53391, SEDM Exhibit #09.038)</a> exemption	Not taxable	
8	<b>Taxability of “Non-Resident Non-Persons” here</b>	None. You can’t be a “non-resident non-person” and an “employee” at the same time	None	None	None	None
9	<b>SSN/TIN Requirement<sup>85</sup></b>	Always	1. Yes for “U.S. persons”, 26 C.F.R. §301.6109-1(b)(1). 2. No for “nonresident aliens” not engaged in a “trade or business”, 31 C.F.R. §306.10, Note 2, 31 C.F.R. §1020.410(b)(3)(x), 26 C.F.R. §301.6109-1(b)(2). 3. Yes for “nonresident aliens” with “reportable payments” connected to “trade or business”. 26 U.S.C. §3406.	1. Yes for “U.S. persons”, 26 C.F.R. §301.6109-1(b)(1). 2. No for “nonresident aliens” not engaged in a “trade or business”, 31 C.F.R. §306.10, Note 2, 31 C.F.R. §1020.410(b)(3)(x), 26 C.F.R. §301.6109-1(b)(2). 3. Yes for “nonresident aliens” with “reportable payments” connected to “trade or business”. 26 U.S.C. §3406.	Only for present or former public officers of the national government engaged in federal franchises. The SSN/TIN is what the Federal Trade Commission calls a “franchise mark”.	Only for present or former public officers of the national government engaged in federal franchises. The SSN/TIN is what the Federal Trade Commission calls a “franchise mark”.

<sup>84</sup> See: [Secretary’s Authority in the Several States Pursuant to 4 U.S.C. 72](#), Family Guardian Fellowship; <https://famguardian.org/Subjects/Taxes/ChallJurisdiction/BriefRegardingSecretary-4usc72.pdf>.

<sup>85</sup> See *About SSNs and TINs on Government Forms and Correspondence*, Form #05.012; <https://sedm.org/Forms/FormIndex.htm>.



10	Withholding form(s)	Form W-4	1. "U.S. Person": Form W-9 2. "Nonresident Alien": Form W-8	1. "U.S. Person": Form W-9 2. "Nonresident Alien": Form W-8	None	1. "U.S. Person": Form W-9 2. "Nonresident Alien": Form W-8
11	Withholding Requirements	26 U.S.C. §3401	26 C.F.R. §1.1441-1	26 C.F.R. §1.1441-1	1. None for private people or companies 2. 26 C.F.R. §1.1441-1 for U.S. government instrumentalities.	1. 26 C.F.R. §1.1441-1 for U.S. government and federal corporations. 2. None for private companies that are not federal corporations.
12	Reporting form(s) See Note	Form W-2	1. "U.S. Person": Form 1099 2. "Nonresident Alien": Form 1042	1. "U.S. Person": Form 1099 2. "Nonresident Alien": Form 1042	1. None for private people or companies 2. "U.S. Person": Form 1099 for U.S. government instrumentalities. 3. "Nonresident Alien": Form 1042 for U.S. government instrumentalities.	1. None for private people or companies 2. "U.S. Person": Form 1099 for U.S. government instrumentalities. 3. "Nonresident Alien": Form 1042 for U.S. government instrumentalities.
13	Reporting Requirements	26 U.S.C. §6041	26 U.S.C. §6041	26 U.S.C. §6041	26 U.S.C. §6041	26 U.S.C. §6041

#### NOTES:

- The term "wherever resident" used in 26 U.S.C. §1 means wherever the entity referred to has the CIVIL STATUS of "resident" as defined in 26 U.S.C. §7701(b)(1). It DOES NOT mean wherever the entity is physically located. The civil status "resident" and "resident alien", in turn, are synonymous. PRESUMING that "wherever resident" is a physical presence is an abuse of equivocation to engage in criminal identity theft of "nontaxpayers". See:

*Flawed Tax Arguments to Avoid*, Form #08.004, Section 9.4.5

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

- "United States" as used in the Internal Revenue Code is defined as follows:

*TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]  
Sec. 7701. - Definitions*

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

*(9) United States*

*The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.*

*(10) State*

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

*TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES  
CHAPTER 4 - **THE STATES**  
[Sec. 110. Same](#); definitions*

*(d) The term "State" includes any [Territory](#) or possession of the United States.*

3. Limitations on Geographical definitions:

- 3.1. It is a violation of the Rules of Statutory Construction and Interpretation and a violation of the separation of powers for any judge or government worker to ADD anything to the above geographical definitions.

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

*“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”*  
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

- 3.2. Comity or consent of either states of the Union or people in them to consent to “include” constitutional states of the Union within the geographical definitions is NOT ALLOWED, per the Declaration of Independence, which is organic law enacted into law on the first page of the Statutes At Large.

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

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

- 3.3. Here is what the designer of our three branch system of government said about allowing judges to become legislators in the process of ADDING things not in the statutes to the meaning of any term used in the statutes:

*“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”*

*Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].*

*There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals.”*

[. . .]

*In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions.”*

[The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;  
SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

4. For an exhaustive catalog of all the word games played by government workers to unconstitutionally usurp jurisdiction they do not have in criminal violation of 18 U.S.C. §208, 28 U.S.C. §144, and 28 U.S.C. §455, see:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>

5. The Income tax described in 26 U.S.C. Subtitle A is an excise and a franchise tax upon public offices in the national government. Hence, it is only enforceable upon elected or appointed officers or public officers (contractors) of the national government. See:

The "Trade or Business" Scam, Form #05.001  
<https://sedm.org/Forms/FormIndex.htm>

6. It is a CRIME to either file or use as evidence in any tax enforcement proceeding any information return that was filed against someone who is NOT engaged in a public office. Most information returns are false and therefore the filers should be prosecuted for crime by the Department of Justice. The reason they aren't is because they are BRIBED by the proceeds resulting from these false returns to SHUT UP about the crime. See:

Correcting Erroneous Information Returns, Form #04.001  
<https://sedm.org/Forms/FormIndex.htm>

7. The Internal Revenue Code only regulates PUBLIC conduct of PUBLIC officers on official business. The ability to regulate PRIVATE rights and PRIVATE property is prohibited by the Constitution and the Bill of Rights.

*"Under basic rules of construction, statutory laws enacted by legislative bodies cannot impair rights given under a constitution. 194 B.R. at 925. "*  
*[In re Young, 235 B.R. 666 (Bankr.M.D.Fla., 1999)]*

*"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he administer or execute them."*  
*[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883); The word "execute" includes either obeying or being subject to]*

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

*"A defendant sued as a wrong-doer, who seeks to substitute the state in his place, or to justify by the authority of the state, or to defend on the ground that the state has adopted his act and exonerated him, cannot rest on the bare assertion of his defense. He is bound to establish it. **The state is a political corporate body, can act only through agents, and can command only by laws.** It is necessary, therefore, for such a defendant, in order to complete his defense, to produce a law of the state which constitutes his commission as its agent, and a warrant for his act."*  
*[Poindexter v. Greenhow, 114 U.S. 270 (1885)]*

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

8. You can't simultaneously be a "taxpayer" who is "subject" to the Internal Revenue Code AND someone who is protected by the Constitution and especially the Bill of Rights. The two conditions are MUTUALLY EXCLUSIVE. Below are the only documented techniques by which the protections of the Constitutions can be forfeited:

8.1. Standing on a place not protected by the Constitution, such as federal territory or abroad.

8.2. Invoking the “benefits”, “privileges”, or “immunities” offered by any statute. The cite below is called the Constitutional Avoidance Doctrine of the U.S. Supreme Court:

*The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:*

[. . .]

6. **The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits.** [FN7 Great Falls Mfg. Co. v. Attorney General](#), 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; [Wall v. Parrot Silver & Copper Co.](#), 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; [St. Louis Malleable Casting Co. v. Prendergast Construction Co.](#), 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

FOOTNOTES:

[FN7 Compare Electric Co. v. Dow](#), 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; [Pierce v. Somerset Ry.](#), 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; [Leonard v. Vicksburg, etc., R. Co.](#), 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.  
[[Ashwander v. Tennessee Valley Authority](#), 297 U.S. 288, 56 S.Ct. 466 (1936)]

9. Constitutional protections such as the Bill of Rights attach to LAND, and NOT to the civil status of the people ON the land. The protections of the Bill of Rights do not attach to you because you are a statutory “person”, “individual”, or “taxpayer”, but because of the PLACE YOU ARE STANDING at the time you receive an injury from a transgressing government agent.

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

You can only lose the protections of the Constitution by changing your LOCATION, not by consenting to give up constitutional protections. We prove this in:

[Unalienable Rights Course](#), Form #12.038  
<https://sedm.org/Forms/FormIndex.htm>

### 14.13 Income Taxation is a Proprietorial Power Limited to Federal Property

Legislative power to institute income taxation under Subtitle A of the Internal Revenue Code originates from Article 4, Section 3, Clause 2 of the Constitution:

*U.S. Constitution, Article IV, §3 (2).*

*The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States [\*\*\*]*

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[1] The power of Congress, in the imposition of taxes and providing for the collection thereof in the possessions of the United States, is not restricted by constitutional provision (section 8, article 1), which may limit its general power of taxation as to uniformity and apportionment when legislating for the mainland or United States proper, for it acts in the premises under the authority of clause 2, section 3, article 4, of the Constitution, which clothes Congress with power to make all needful rules and regulations respecting the territory or other property belonging to the United States. *Binns v. United States*, 194 U.S. 486, 24 Sup.Ct. 816, 48 L.Ed. 1087; *Downes v. Bidwell*, 182 U.S. 244, 21 Sup.Ct. 770, 45 L.Ed. 1088.  
[*Lawrence v. Wardell, Collector*. 273 F. 405 (1921). Ninth Circuit Court of Appeals]

The “property” of the national government subject to income taxation is the OFFICES it creates and owns. That office is legislatively created in 5 U.S.C. §2105. The creator of a thing is always the ABSOLUTE OWNER.<sup>86</sup> The income tax therefore functions as a user fee for the use of that federal property. Uncle is in the property rental business! All franchises are implemented with loans of government property with legal strings or conditions attached.

**FRANCHISE. A special privilege conferred by government on individual or corporation, and which does not belong to citizens of country generally of common right. Elliott v. City of Eugene, 135 Or. 108, 294 P. 358, 360. In England it is defined to be a royal privilege in the hands of a subject.**

A “franchise,” as used by Blackstone in defining quo warranto, (3 Com. 262 [4th Am. Ed.] 322), had reference to a royal privilege or branch of the king's prerogative **subsisting in the hands of the subject, and must arise from the king's grant, or be held by prescription**, but today we understand a franchise to be some special privilege conferred by government on an individual, natural or artificial, which is not enjoyed by its citizens in general. *State v. Fernandez*, 106 Fla. 779, 143 So. 638, 639, 86 A.L.R. 240.

**In this country a franchise is a privilege or immunity of a public nature, which cannot be legally exercised without legislative grant. To be a corporation is a franchise.** The various powers conferred on corporations are franchises. The execution of a policy of insurance by an insurance company [e.g. *Social Insurance/Socialist Security*], and the issuing of a bank note by an incorporated bank [such as a *Federal Reserve NOTE*], are franchises. *People v. Utica Ins. Co.*, 15 Johns. (N.Y.) 387, 8 Am.Dec. 243. But it does not embrace the property acquired by the exercise of the franchise. *Bridgeport v. New York & N.H.R. Co.*, 36 Conn. 255, 4 Am.Rep. 63. Nor involve interest in land acquired by grantee. *Whitbeck v. Funk*, 140 Or. 70, 12 P.2d. 1019, 1020. **In a popular sense, the political rights of subjects and citizens are franchises, such as the right of suffrage, etc. Pierce v. Emery, 32 N.H. 484; State v. Black Diamond Co., 97 Ohio.St. 24, 119 N.E. 195, 199, L.R.A. 1918E, 352.**

*Elective Franchise. The right of suffrage: the right or privilege of voting in public elections.*

*Exclusive Franchise. See Exclusive Privilege or Franchise.*

*General and Special. The charter of a corporation is its “general” franchise, while a “special” franchise consists in any rights granted by the public to use property for a public use but-with private profit.* *Lord v. Equitable Life Assur. Soc.*, 194 N.Y. 212, 87 N.E. 443, 22 L.R.A. (N.S.) 420.

*Personal Franchise. A franchise of corporate existence, or one which authorizes the formation and existence of a corporation, is sometimes called a “personal” franchise, as distinguished from a “property” franchise, which authorizes a corporation so formed to apply its property to some particular enterprise or exercise some special privilege in its employment, as, for example, to construct and operate a railroad. See Sandham v. Nye, 9 Misc.Rep. 541, 30 N.Y.S. 552.*

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<sup>86</sup> See Hierarchy of Sovereignty: The Power to Create is the Power to Tax, Family Guardian Fellowship; <https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>.



1           *Secondary Franchises.* The franchise of corporate existence being sometimes called the "primary" franchise of a  
2           corporation, its "secondary" franchises are the special and peculiar rights, privileges, or grants which it may,  
3           receive under its charter or from a municipal corporation, such as the right to use the public streets, exact tolls,  
4           collect fares, etc. *State v. Topeka Water Co.*, 61 Kan. 547, 60 P. 337; *Virginia Canon Toll Road Co. v. People*,  
5           22 Colo. 429, 45 P. 398 37 L.R.A. 711. The franchises of a corporation are divisible into (1) corporate or general  
6           franchises; and (2) "special or secondary franchises. The former is the franchise to exist as a corporation, while  
7           the latter are certain rights and privileges conferred upon existing corporations. *Gulf Refining Co. v. Cleveland*  
8           *Trust Co.*, 166 Miss. 759, 108 So. 158, 160.

9           *Special Franchisee.* See *Secondary Franchises*, *supra*.  
10          [*Black's Law Dictionary*, Fourth Edition, pp. 786-787]

11 All franchises create or recognize an "office". In the case of the Internal Revenue Code, that office is called "person" or  
12 "taxpayer".

13           *privilege* \ 'priv-līj, 'pri-və- \ *noun*

14           [Middle English, from Anglo-French, from Latin *privilegium* law for or against a private person, from *privus*  
15           private + *leg-*, *lex* law] 12th century: a right or immunity granted as a peculiar benefit, advantage, or favor:  
16           prerogative especially: such a **right or immunity attached specifically to a position or an office**  
17           [Mish, F. C. (2003). Preface. Merriam-Websters collegiate dictionary. (Eleventh ed.). Springfield, MA: Merriam-  
18           Webster, Inc.]

19 A "public officer" is merely someone in charge of THE PROPERTY of the grantor of the franchise:

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

33 The I.R.C. Subtitles A and C therefore constitute the terms of the loan of the "public office" (government property) to an  
34 otherwise private human:

35           "*In a legal or narrower sense, the term "franchise" is more often used to designate a right or privilege conferred*  
36           *by law,*<sup>87</sup> *and the view taken in a number of cases is that to be a franchise, the right possessed must be such as*  
37           *cannot be exercised without the express permission of the sovereign power*<sup>88</sup> *—that is, a privilege or immunity*  
38           *of a public nature which cannot be legally exercised without legislative grant.*<sup>89</sup> *It is a privilege conferred by*  
39           *government on an individual or a corporation to do that "which does not belong to the citizens of the country*  
40           *generally by common right."*<sup>90</sup> *For example, a right to lay rail or pipes, or to string wires or poles along a public*

<sup>87</sup> *People ex rel. Fitz Henry v. Union Gas & E. Co.* 254 Ill. 395, 98 N.E. 768; *State ex rel. Bradford v. Western Irrigating Canal Co.* 40 Kan 96, 19 P. 349;  
*Milbau v. Sharp*, 27 N.Y. 611; *State ex rel. Williamson v. Garrison* (Okla), 348 P.2d. 859; *Ex parte Polite*, 97 Tex Crim 320, 260 S.W. 1048.

The term "franchise" is generic, covering all the rights granted by the state. *Atlantic & G. R. Co. v. Georgia*, 98 U.S. 359, 25 L.Ed. 185.

A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. *West Coast Disposal Service, Inc. v. Smith* (Fla App), 143 So.2d. 352.

<sup>88</sup> The term "franchise" is generic, covering all the rights granted by the state. *Atlantic & G. R. Co. v. Georgia*, 98 U.S. 359, 25 L.Ed. 185.

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<sup>89</sup> *State v. Real Estate Bank*, 5 Ark. 595; *Brooks v. State*, 3 Boyce (Del) 1, 79 A. 790; *Belleville v. Citizens' Horse R. Co.*, 152 Ill. 171, 38 N.E. 584; *State ex rel. Clapp v. Minnesota Thresher Mfg. Co.* 40 Minn 213, 41 N.W. 1020.

<sup>90</sup> *New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co.*, 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; *People's Pass. R. Co. v. Memphis City R. Co.*, 10 Wall (US) 38, 19 L.Ed. 844; *Bank of Augusta v. Earle*, 13 Pet (U.S.) 519, 10 L.Ed. 274; *Bank of California v. San Francisco*, 142 Cal. 276, 75 P. 832; *Higgins v. Downward*, 8 Houst (Del) 227, 14 A. 720, 32 A. 133; *State ex rel. Watkins v. Fernandez*, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; *Lasher v. People*, 183 Ill. 226, 55 N.E. 663; *Inland Waterways Co. v. Louisville*, 227 Ky. 376, 13 S.W.2d. 283; *Lawrence v. Morgan's L. & T. R. & S. S. Co.*, 39 La. Ann. 427, 2 So. 69; *Johnson v. Consolidated Gas E. L. & P. Co.*, 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; *Stoughton v. Baker*, 4 Mass 522; *Poplar*

street, is not an ordinary use which everyone may make of the streets, but is a special privilege, or franchise, to be granted for the accomplishment of public objects<sup>91</sup> which, except for the grant, would be a trespass.<sup>92</sup> In this connection, the term "franchise" has sometimes been construed as meaning a grant of a right to use public property, or at least the property over which the granting authority has control.<sup>93</sup>"

[American Jurisprudence 2d, Franchises, §1: Definitions (1999)]

Anyone in receipt, custody, or control of government property MUST be a public officer under the control of the person who lent it to them. It is a crime to use government property for PERSONAL gain.

The fact that the government continues to be the ABSOLUTE OWNER of the thing being loaned even after you receive it and possess it means they can take it back ANY TIME THEY WANT without your consent or permission or punish you for the misuse of the property. Below are the people subject to such punishment, ALL of whom are either officers of a federal corporation or in partnership with the government:

1. Definition of "person" for the purposes of "assessable penalties" within the Internal Revenue Code means an officer or employee of a corporation or partnership within the federal United States:

TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > Sec. 6671.  
Sec. 6671. - Rules for application of assessable penalties

(b) Person defined

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

Bluff v. Poplar Bluff Loan & Bldg. Asso., (Mo App) 369 S.W.2d. 764; Madden v. Queens County Jockey Club, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; Shaw v. Asheville, 269 N.C. 90, 152 S.E.2d. 139; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; Henry v. Bartlesville Gas & Oil Co., 33 Okla 473, 126 P. 725; Elliott v. Eugene, 135 Or. 108, 294 P. 358; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 S.D. 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com., 101 Utah 99, 118 P.2d. 683.

A franchise represents the right and privilege of doing that which does not belong to citizens generally, irrespective of whether net profit accruing from the exercise of the right and privilege is retained by the franchise holder or is passed on to a state school or to political subdivisions of the state. State ex rel. Williamson v. Garrison (Okla), 348 P.2d. 859.

Where all persons, including corporations, are prohibited from transacting a banking business unless authorized by law, the claim of a banking corporation to exercise the right to do a banking business is a claim to a franchise. The right of banking under such a restraining act is a privilege or immunity by grant of the legislature, and the exercise of the right is the assertion of a grant from the legislature to exercise that privilege, and consequently it is the usurpation of a franchise unless it can be shown that the privilege has been granted by the legislature. People ex rel. Atty. Gen. v. Utica Ins. Co., 15 Johns (NY) 358.

<sup>91</sup> New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co., 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; People's Pass. R. Co. v. Memphis City R. Co., 10 Wall (US) 38, 19 L.Ed. 844; Bank of Augusta v. Earle, 13 Pet (U.S.) 519, 10 L.Ed. 274; Bank of California v. San Francisco, 142 Cal. 276, 75 P. 832; Higgins v. Downward, 8 Houst (Del) 227, 14 A. 720, 32 A. 133; State ex rel. Watkins v. Fernandez, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; Lasher v. People, 183 Ill. 226, 55 N.E. 663; Inland Waterways Co. v. Louisville, 227 Ky. 376, 13 S.W.2d. 283; Lawrence v. Morgan's L. & T. R. & S. S. Co., 39 La. Ann. 427, 2 So. 69; Johnson v. Consolidated Gas E. L. & P. Co., 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; Stoughton v. Baker, 4 Mass 522; Poplar Bluff v. Poplar Bluff Loan & Bldg. Asso. (Mo App) 369 S.W.2d. 764; Madden v. Queens County Jockey Club, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; Shaw v. Asheville, 269 N.C. 90, 152 S.E.2d. 139; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; Henry v. Bartlesville Gas & Oil Co., 33 Okla 473, 126 P. 725; Elliott v. Eugene, 135 Or. 108, 294 P. 358; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 S.D. 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com., 101 Utah 99, 118 P.2d. 683.

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<sup>92</sup> People ex rel. Foley v. Stapleton, 98 Colo. 354, 56 P.2d. 931; People ex rel. Central Hudson Gas & E. Co. v. State Tax Com. 247 N.Y. 281, 160 N.E. 371, 57 A.L.R. 374; People v. State Tax Comrs. 174 N.Y. 417, 67 N.E. 69, affd 199 U.S. 1, 50 L.Ed. 65, 25 S.Ct. 705.

<sup>93</sup> Young v. Morehead, 314 Ky. 4, 233 S.W.2d. 978, holding that a contract to sell and deliver gas to a city into its distribution system at its corporate limits was not a franchise within the meaning of a constitutional provision requiring municipalities to advertise the sale of franchises and sell them to the highest bidder.

A contract between a county and a private corporation to construct a water transmission line to supply water to a county park, and giving the corporation the power to distribute water on its own lands, does not constitute a franchise. Brandon v. County of Pinellas (Fla App), 141 So.2d. 278.

2. Definition of “person” for the purposes of “miscellaneous forfeiture and penalty provisions” of the Internal Revenue Code means an officer or employer of a corporation or partnership within the federal United States:

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 75](#) > [Subchapter D](#) > [Sec. 7343](#).  
[Sec. 7343](#). - Definition of term "person"

*The term "person" as used in this chapter [Chapter 75] 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*

Note that the government cannot regulate or tax contracts where all parties are PRIVATE. The ability to regulate or tax PRIVATE property is repugnant to the Constitution. Therefore the only type of “partnership” they can be talking about in the above definitions are partnerships between an otherwise PRIVATE party and the government.

Constitutional states of the Union are not “Territory or other Property” of the United States, and therefore are not property LOANED or rented to the inhabitants therein.

*Corpus Juris Secundum Legal Encyclopedia*  
*"§1. Definitions, Nature, and Distinctions*

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

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

***"Territories' or 'territory' as including 'state' or 'states.'" While the term 'territories of the' United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution and in ordinary acts of congress "territory" does not include a foreign state.***

***"As used in this title, the term 'territories' generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."***  
*[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]*

Because federal enclaves within the constitutional states are government property, they are subject to income taxation as an excise among those consensually domiciled therein.

*California Revenue and Taxation Code - RTC*  
*DIVISION 1. PROPERTY TAXATION [50 - 5911]( Division 1 enacted by Stats. 1939, Ch. 154. )*  
*PART 1. GENERAL PROVISIONS [101 - 198.1]( Part 1 enacted by Stats. 1939, Ch. 154. )*  
*CHAPTER 1. Construction [101 - 136] ( Chapter 1 enacted by Stats. 1939, Ch. 154. )*

*RTC 130 (f) "In this state" means within the exterior limit of the State of California, and includes all territory within these limits owned by, or ceded to, the United States of America.*

*California Revenue and Taxation Code – RTC*  
*DIVISION 2. OTHER TAXES [6001 - 60709]( Heading of Division 2 amended by Stats. 1968, Ch. 279. ) PART*  
*1. SALES AND USE TAXES [6001 - 7176]( Part 1 added by Stats. 1941, Ch. 36. )*  
*CHAPTER 1. General Provisions and Definitions [6001 - 6024]( Chapter 1 added by Stats. 1941, Ch. 36. )*

*RTC 6017. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.*

California Revenue and Taxation Code - RTC  
DIVISION 2. OTHER TAXES [6001 - 60709] ( Heading of Division 2 amended by Stats. 1968, Ch. 279. )  
PART 3. USE FUEL TAX [8601 - 9355]( Part 3 added by Stats. 1941, Ch. 38. )  
CHAPTER 1. General Provisions and Definitions [8601 - 8621] Chapter 1 added by Stats. 1941, Ch. 38

8609. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

California Revenue and Taxation Code – RTC  
DIVISION 2. OTHER TAXES [6001 - 60709]( Heading of Division 2 amended by Stats. 1968, Ch. 279. )  
PART 10. PERSONAL INCOME TAX [17001 - 18181]( Part 10 added by Stats. 1943, Ch. 659. )  
CHAPTER 1. General Provisions and Definition [17001 - 17039.2]

17018. "State" includes the District of Columbia, and the possessions of the United States.

For an explanation why excise taxable public offices do not lawfully exist in constitutional statutes outside of federal enclaves and why the Constitution does not authorize Congress to abuse grants or loans of government property to create NEW public offices in the constitutional states that are subject to taxation, see:

Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

Income taxation is based on domicile. See District of Columbia v. Murphy, 314 U.S. 441 (1941). As such, anyone domiciled OUTSIDE the exclusive jurisdiction of the national government is a "nonresident" in respect to the income tax. They cannot have a "civil status" such as "person" or "taxpayer" in relation to the civil statutory laws regulating these areas WITHOUT one or more of the following circumstances:

1. A physical presence in that place. The status would be under the COMMON law.
2. CONSENSUALLY doing business in that place. The status would be under the common law.
3. A domicile in that place. This would be a status under the civil statutes of that place.
4. CONSENSUALLY representing an artificial entity (a legal fiction) that has a domicile in that place. This would be a status under the civil statutes of that place.

Those who do not fit any of the above 4 classifications are statutory "non-resident non-persons" and cannot be subject to federal income taxation. More on "civil status" can be found at:

Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

An entire memorandum on the subject of this section can be found at:

Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404  
<https://sedm.org/Forms/FormIndex.htm>

#### **14.14 Rebuttal of Those Who Fraudulently Challenge or Try to Expand the Statutory Definitions In This Document**

The main purpose of law is to limit government power. The foundation of what it means to have a "society of law and not men" is law that limits government powers. We cover this in [Legal Deception, Propaganda, and Fraud, Form #05.014](#), Section 5. Government cannot have limited powers without DEFINITIONS in the written law that are limiting and which define and declare ALL THINGS that are included and implicitly exclude all things not expressly identified. The Rules of Statutory Construction and Interpretation recognize this critical function of law with the following maxims:

*"Expressio unius est exclusio alterius. A maxim of statutory interpretation meaning that **the expression of one thing is the exclusion of another.**"* *Burgin v. Forbes*, 293 Ky. 456, 169 S.W.2d. 321, 325; *Newblock v. Bowles*, 170 Okl. 487, 40 P.2d. 1097, 1100. *Mention of one thing implies exclusion of another. When certain persons or*

things are specified in a law, contract, or will, an intention to exclude all others from its operation may be inferred. Under this maxim, if statute specifies one exception to a general rule or assumes to specify the effects of a certain provision, other exceptions or effects are excluded.”  
[Black’s Law Dictionary, Sixth Edition, p. 581]

“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.”  
[Stenberg v. Carhart, 530 U.S. 914 (2000)]

The ability to define terms or ADD to the EXISTING statutory definition of terms is a LEGISLATIVE function that can lawfully and constitutionally be exercised ONLY by the Legislative Branch of the government. The power to define or expand the definition of statutory terms:

1. CANNOT lawfully be exercised by either a judge or a government prosecutor or the Internal Revenue Service.
2. CANNOT be exercised by making PRESUMPTIONS about what a term means or by enforcing the COMMON meaning of the term that is already defined in a statute. See Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017:

“It is apparent,” this court said in the Bailey Case ( 219 U.S. 239 , 31 S.Ct. 145, 151) ‘that a constitutional prohibition cannot be transgressed indirectly by the creation of a statutory presumption any more than it can be violated by direct enactment. The power to create presumptions is not a means of escape from constitutional restrictions.’”  
[Heiner v. Donnan, 285 U.S. 312 (1932)]

A presumption is an assumption of fact that the law requires to be made from another fact or group of facts found or otherwise established in the action. A presumption is not evidence. A presumption is either conclusive or rebuttable. Every rebuttable presumption is either (a) a presumption affecting the burden of producing evidence or (b) a presumption affecting the burden of proof. Calif.Evid.Code, §600.

In all civil actions and proceedings not otherwise provided for by Act of Congress or by the Federal Rules of Evidence, a presumption imposes on the party against whom it is directed the burden of going forward with evidence to rebut or meet the presumption, but does not shift to such party the burden of proof in the sense of the risk of nonpersuasion, which remains throughout the trial upon the party on whom it was originally cast. Federal Evidence Rule 301.

See also Disputable presumption; inference; Juris et de jure; Presumptive evidence; Prima facie; Raise a presumption.  
[Black’s Law Dictionary, Sixth Edition, p. 1185]

3. Unlawfully and unconstitutionally violates the separation of powers when it IS exercised by a judge or government prosecutor. See Government Conspiracy to Destroy the Separation of Powers, Form #05.023.
4. Produces the following consequences when it IS exercised by a judge or government prosecutor or administrative agency. The statement below was written by the man who DESIGNED our three branch system of government. He also described in his design how it can be subverted, and corrupt government actors have implemented his techniques for subversion to unlawfully and unconstitutionally expand their power:

“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.

Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].



*There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."*

[...]

*In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."*

[*The Spirit of Laws*, Charles de Montesquieu, Book XI, Section 6, 1758;

SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm/](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm/)

Any judge, prosecutor, or clerk in an administrative agency who tries to EXPAND or ADD to statutory definitions is violating all the above. Likewise, anyone who tries to QUOTE a judicial opinion that adds to a statutory definition is violating the separation of powers, usurping authority, and STEALING your property and rights. It is absolutely POINTLESS and an act of ANARCHY, lawlessness, and a usurpation to try to add to statutory definitions.

The most prevalent means to UNLAWFULLY and UNCONSTITUTIONALLY add to statutory definitions is through the abuse of the words "[includes](#)" or "including". That tactic is thoroughly described and rebutted in:

*Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 15.2

DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

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

Government falsely accuses sovereignty advocates of practicing anarchy, but THEY, by trying to unlawfully expand statutory definitions through either the abuse of the word "[includes](#)" or through [PRESUMPTION](#), are the REAL anarchists. That anarchy is described in Disclaimer, Section 4 as follows:

*SEDM Disclaimer*

*Section 4: Meaning of Words*

*1.21. Anarchy*

*The term "anarchy" implies any one or more of the following, and especially as regards so-called "governments". An important goal of this site is to eliminate all such "anarchy":*

- 1. Are superior in any way to the people they govern UNDER THE LAW.*
- 2. Are not directly accountable to the people or the law. They prohibit the PEOPLE from criminally prosecuting their own crimes, reserving the right to prosecute to their own fellow criminals. Who polices the police? THE CRIMINALS.*
- 3. Enact laws that exempt themselves. This is a violation of the Constitutional requirement for equal protection and equal treatment and constitutes an unconstitutional Title of Nobility in violation of Article I, Section 9, Clause 8 of the United States Constitution.*
- 4. Only enforce the law against others and NOT themselves, as a way to protect their own criminal activities by persecuting dissidents. This is called "selective enforcement". In the legal field it is also called "professional courtesy". Never kill the goose that lays the STOLEN golden eggs.*
- 5. Break the laws with impunity. This happens most frequently when corrupt people in government engage in "selective enforcement", whereby they refuse to prosecute or interfere with the prosecution of anyone in government. The Department of Justice (D.O.J.) or the District Attorney are the most frequent perpetrators of this type of crime.*
- 6. Are able to choose which laws they want to be subject to, and thus refuse to enforce laws against themselves. The most frequent method for this type of abuse is to assert sovereign, official, or judicial immunity as a defense in order to protect the wrongdoers in government when they are acting outside their delegated authority, or outside what the definitions in the statutes EXPRESSLY allow.*

7. *Impute to themselves more rights or methods of acquiring rights than the people themselves have. In other words, who are the object of PAGAN IDOL WORSHIP because they possess "supernatural" powers. By "supernatural", we mean that which is superior to the "natural", which is ordinary human beings.*
8. *Claim and protect their own sovereign immunity, but refuse to recognize the same EQUAL immunity of the people from whom that power was delegated to begin with. Hypocrites.*
9. *Abuse sovereign immunity to exclude either the government or anyone working in the government from being subject to the laws they pass to regulate everyone ELSE'S behavior. In other words, they can choose WHEN they want to be a statutory "person" who is subject, and when they aren't. Anyone who has this kind of choice will ALWAYS corruptly exclude themselves and include everyone else, and thereby enforce and implement an unconstitutional "Title of Nobility" towards themself. On this subject, the U.S. Supreme Court has held the following:*

*"No man in this country [including legislators of the government as a legal person] is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives," 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property by force, his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.*

*[United States v. Lee, 106 U.S. 196, 1 S.Ct. 240 (1882)]*

10. *Have a monopoly on anything, INCLUDING "protection", and who turn that monopoly into a mechanism to force EVERYONE illegally to be treated as uncompensated public officers in exchange for the "privilege" of being able to even exist or earn a living to support oneself.*
11. *Can tax and spend any amount or percentage of the people's earnings over the OBJECTIONS of the people.*
12. *Can print, meaning illegally counterfeit, as much money as they want to fund their criminal enterprise, and thus to be completely free from accountability to the people.*
13. *Deceive and/or lie to the public with impunity by telling you that you can't trust anything they say, but force YOU to sign everything under penalty of perjury when you want to talk to them. 26 U.S.C. §6065.*

*[SEDM Disclaimer, Section 4.21; <https://sedm.org/disclaimer.htm>]*

For further information on the Rules of Statutory Construction and Interpretation, also called "textualism", and their use in defending against the fraudulent tactics in this section, see the following, all of which are consistent with the analysis in this section:

1. *How Judges Unconstitutionally "Make Law"*, Litigation Tool #01.009-how by VIOLATING the Rules of Statutory Construction and Interpretation, judges are acting in a POLITICAL rather than JUDICIAL capacity and unconstitutionally "making law".  
<http://sedm.org/Litigation/01-General/HowJudgesMakeLaw.pdf>
2. *Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 13.9. Section 15 talks about how these rules are UNCONSTITUTIONALLY violated by corrupt judges with a criminal financial conflict of interest.  
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
3. *Reading Law: The Interpretation of Legal Texts*, Supreme Court Justice Antonin Scalia and Bryan A Garner -book about statutory interpretation  
<https://www.amazon.com/Reading-Law-Interpretation-Legal-Texts/dp/031427555X>
4. *Statutory Interpretation*, Supreme Court Justice Antonin Scalia  
<https://sedm.org/statutory-interpretation-justice-scalia/>
5. *Collection of U.S. Supreme Court Legal Maxims*, Litigation Tool #10.216, U.S. Department of Justice  
[https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims\\_1993-1998-Governmentattic.org.pdf](https://sedm.org/Litigation/10-PracticeGuides/USSupremeCourtMaxims_1993-1998-Governmentattic.org.pdf)
6. *Reinquist Court Canons of Statutory Construction*, Litigation Tool #10.217

[https://sedm.org/Litigation/10-PracticeGuides/Rehnquist\\_Court\\_Canons\\_citations.pdf](https://sedm.org/Litigation/10-PracticeGuides/Rehnquist_Court_Canons_citations.pdf)

7. *Statutory Interpretation: General Principles and Recent Trends*, Congressional Research Service Report 97-589, Litigation Tool #10.215

[https://sedm.org/Litigation/10-](https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf)

[PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf](https://sedm.org/Litigation/10-PracticeGuides/Statutory%20Interpretation.General.Principles.MARCH.30.2006.CRS97-589.pdf)

8. *Family Guardian Forum 7.5: Word Games that STEAL from and deceive people*, Family Guardian Fellowship <https://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/75-word-games-that-steal-from-and-deceive-people/>

For a video that emphasizes the main point of this section, watch the following:

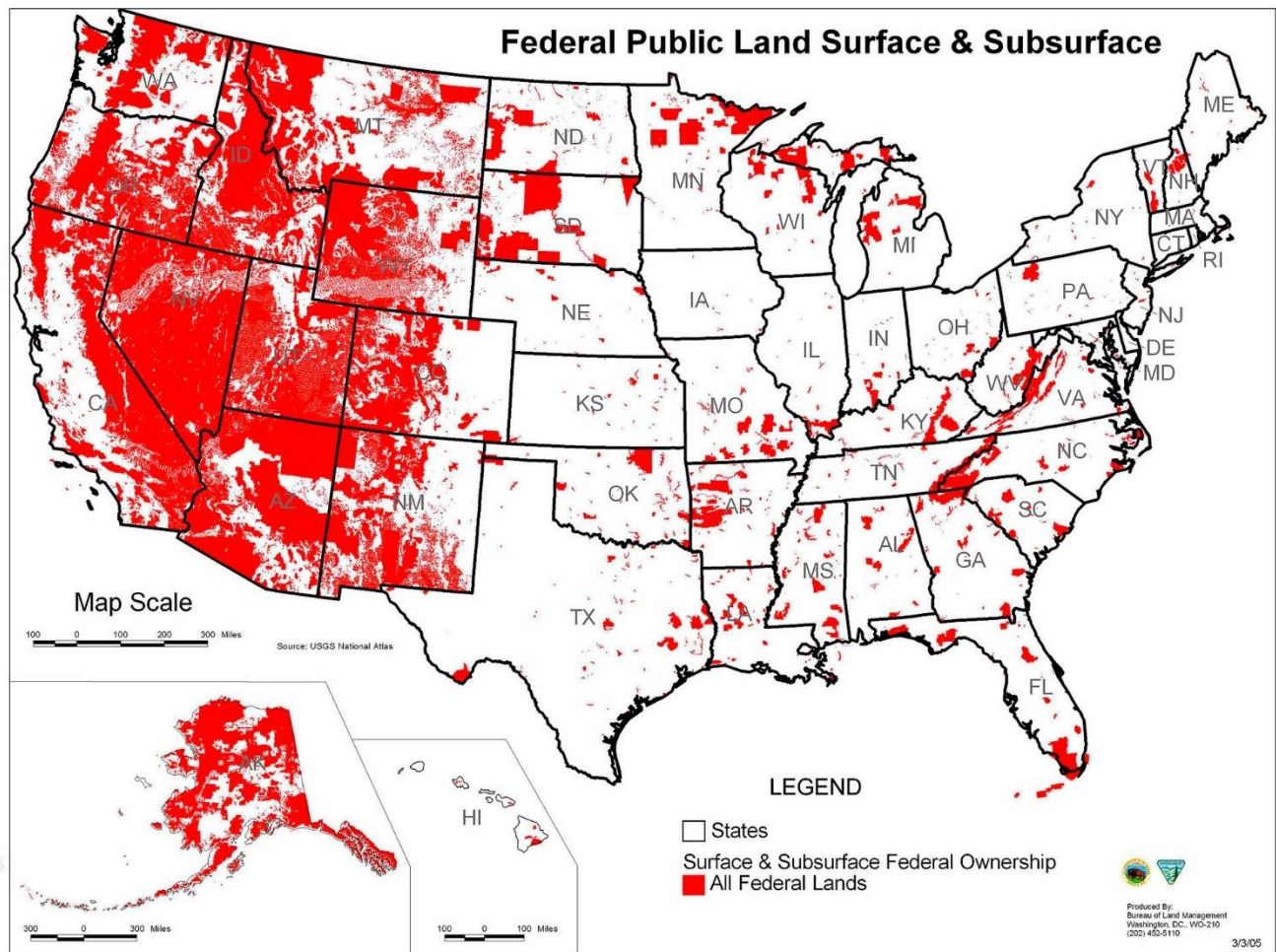
*Courts Cannot Make Law*, Michael Anthony Peroutka Townhall  
<https://sedm.org/courts-cannot-make-law/>

## **14.15 Geographical Definitions and Conventions**

### **14.15.1 Background Information**

1. *What is Federal Land?* (federal enclave)-SEDM  
<https://sedm.org/what-is-federal-land-federal-enclave/>
2. *American Empire*-SEDM  
<https://sedm.org/american-empire/>
3. *Why the Federal Income Tax is a Privilege Tax Upon Government Property*, Form #04.404  
<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>

### **14.15.2 Geographical definitions**



1

2 A very frequent point of confusion and misunderstanding even within the legal profession is the definition of geographical  
 3 terms in the various contexts in which they are used. The table below is provided to clear up this confusion in order that  
 4 people do not misinterpret geographical terms by applying them outside their intended context. Using this page is VERY  
 5 important for those who will be reading and researching state and federal law. The differences in meaning within the various  
 6 contexts are primarily a consequence of the Separation of Powers Doctrine.

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"state"	Foreign country	Union state or foreign country	Union state or foreign country	Other Union state or federal government	Other Union state or federal government	Other Union state or federal government
"State"	Union state	Federal state	Federal state	Union state	Union state	Union state
"in this State" or "in the State" <sup>[1]</sup>	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state

Law	Federal constitution	Federal statutes	Federal regulations	State constitutions	State statutes	State regulations
Author	Union States/ "We The People"	Federal Government		"We The People"	State Government	
"State" <sup>[2]</sup> (State Revenue and taxation code only)	NA	NA	NA	NA	Federal enclave within state	Federal enclave within state
"several States"	Union states collectively <sup>[3]</sup>	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively	Federal "States" collectively
"United States"	states of the Union collectively	Federal United States**	Federal United States**	United States* the country	Federal United States**	Federal United States**

What the above table clearly shows is that the word "[State](#)" in the GENERAL context of MOST federal statutes and regulations means (not includes!) federal States only under [Title 48 of the U.S. Code](#)<sup>[4]</sup>, and these areas do not include any of the 50 Union States. This is true in most cases and especially in the [Internal Revenue Code](#). There are four exceptions to this rule that we are aware of, and these subject matters include (are limited to):

## SOURCES OF EXTRATERRITORIAL JURISDICTION

- A military or foreign affairs function of the United States. [5 U.S.C. §553](#)(a)(1). This includes:
  - Making or executing war. This is the [Department of Defense \(DOD\)](#), [Title 50 of the U.S. Code](#), and the [Uniform Code of Military Justice \(U.C.M.J.\)](#), [10 U.S.C. Chapter 47](#).
  - Regulating aliens within the country. The presence test at [26 U.S.C. §7701\(b\)](#) implements the tax aspect of this.
  - Protecting VOLUNTARY CIVIL citizens\*\*+D (not POLITICAL citizens\*) abroad. This is done through passports, [26 U.S.C. §911](#) which pays for the protection, the [Department of State \(DOS\)](#), and the military.
  - International commerce with foreign nations. This is done through the [Foreign Sovereign Immunities Act \(FSIA\)](#), [28 U.S.C. Chapter 97](#), [U.S.C.I.S.](#), [Department of Homeland Security \(D.H.S.\)](#), and the foreign affairs supervision of the federal courts.
  - Economic sanctions on foreign countries and political rulers imposed by the [Department of the Treasury](#).
- A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. [5 U.S.C. §553](#)(a)(2). Note that:
  - "Taxes" do NOT fall in the category of "public property, loans, grants, or benefits", but the U.S. supreme court identified them as a "quasi-contract" in [Milwaukee v. White, 296 U.S. 268 \(1935\)](#).
  - In the case of "agency management or personnel", they are talking about public officers serving within the national government as EXPRESSLY GEOGRAPHICALLY authorized by [4 U.S.C. §72](#) and NOT elsewhere. We'll give you a HINT, there IS no "express legislative authorization" for "taxpayer" offices to be exercised outside the District of Columbia as required, so all those serving in such an office extraterritorially are [DE FACTO officers \(Form #05.043\)](#). The income tax is an excise tax upon the "trade or business" franchise, which is defined in in [26 U.S.C. §7701\(a\)\(26\)](#) as "the functions of a public office", but those offices may not lawfully be exercised outside the District of Columbia. That is why the statutory geographical "United States" defined in [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10) is defined as the District of Columbia and NOWHERE expressly extended outside the District of Columbia or the Federal statutory "State" defined in [4 U.S.C. §110\(d\)](#).
  - Civil statutory statuses such as "taxpayer", "citizen", "resident", and "person" AND the PUBLIC RIGHTS and privileges that attach to them are PROPERTY legislatively created and therefore owned by the national government. Those claiming these statuses are in receipt, custody, or "benefit" of federal privileges no matter where they physically are, and thus are subject to Congress power to "make all needful rules respecting the Territory and other property" granted by [Article 4, Section 3, Clause 2 of the Constitution](#).
- Federal agencies or persons in their capacity as officers, agents, or employees thereof. [44 U.S.C. §1505\(a\)\(1\)](#).
- EXPRESS and INFORMED consent or comity in some form. Note that NO ONE can consent FOR YOU. YOU have to consent YOURSELF. Presently, "comity" is legally defined as "willingness to grant a privilege". It USED to be defined as MUTUAL consent or agreement of both parties. This has the INSIDIOUS effect that it is OK for a judge to consent FOR YOU, or you to consent sub silentio or by acquiescence. The RESULT is that you are treated AS IF you



are a privileged agent or officer of the state, which we call a "straw man", often without compensation. This is [CRIMINAL HUMAN TRAFFICKING](#) and [CRIMINAL IDENTITY THEFT \(Form #05.046\)](#) if you didn't KNOWINGLY consent. The purpose of this [SOPHISTRY](#) is to procure your consent INVISIBLY, so they don't have to recognize or respect your sovereignty or autonomy. After all, they think they know better than you about what is good for you. See:

- 4.1. [Hot Issues: Invisible Consent\\*](#), SEDM  
<https://sedm.org/invisible-consent/>
- 4.2. [How State Nationals Volunteer to Pay Income Tax](#), Form #08.024  
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

The above four items collectively are referred to as "[extraterritorial jurisdiction](#)". Extraterritorial jurisdiction is defined as SUBJECT MATTER jurisdiction over [PUBLIC property \(Form #12.025\)](#) physically situated OUTSIDE of the EXCLUSIVE jurisdiction of the national government under [Article 4, Section 3, Clause 2 of the Constitution](#). Congress has jurisdiction over its property and the offices it creates no matter WHERE they physically reside or are lawfully exercised, INCLUDING within the exclusive jurisdiction of a constitutional state as confirmed by the U.S. Supreme Court in [Dred Scott v. Sanford, 60 U.S. 393 \(1857\)](#), which ironically was about SLAVES. Those who CONSENT to be statutory "taxpayers" would fall in this same category of "slave" and are treated literally as CHATTEL of the national government. HOWEVER, the Constitution confers NO EXPRESS authorization for Congress to use TACIT and PERSONAL BRIBES or GRANTS of its physical or chattel PUBLIC property or "benefits" to CREATE NEW public offices or appoint new officers to de facto offices that are NOT created by an EXPRESS lawful oath or appointment. Any attempts to do so are CRIMINAL OFFENSES under [18 U.S.C. §§201, 210, 211](#). More about public offices and officers in:

1. [The "Trade or Business" Scam](#), Form #05.001  
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>
2. [Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes](#), Form #05.008  
<https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>
3. [Proof That There Is a "Straw Man"](#), Form #05.042  
<https://sedm.org/Forms/05-MemLaw/StrawMan.pdf>

For the purposes of this discussion, Sovereign States of the Union are NOT "[territory](#)" of the national government. Also, the Sixteenth Amendment did NOT confer EXTRATERRITORIAL jurisdiction to levy an UNAPPORTIONED direct tax upon labor as property within the exclusive jurisdiction of a constitutional state of the Union either. In fact, the U.S. Supreme Court declared that it "conferred NO NEW power of taxation" in [Stanton v. Baltic Mining, 240 U.S. 103 \(1916\)](#). Thus, the income tax HAS ALWAYS been a tax upon officers of the national government called statutory "taxpayer", "citizens", and "persons". This is ENTIRELY consistent with the legislative intent of the proposed Sixteenth Amendment proposed to Congress by President Taft himself:

CONGRESSIONAL RECORD - SENATE - JUNE 16, 1909  
[From Pages 3344 – 3345]

The Secretary read as follows:

To the Senate and House of Representatives:

*It is the constitutional duty of the President from time to time to recommend to the consideration of Congress such measures, as he shall judge necessary and expedient. In my inaugural address, immediately preceding this present extraordinary session of Congress, I invited attention to the necessity for a revision of the tariff at this session, and stated the principles upon which I thought the revision should be affected. I referred to the then rapidly increasing deficit and pointed out the obligation on the part of the framers of the tariff bill to arrange the duty so as to secure an adequate income, and suggested that if it was not possible to do so by import duties, new kinds of taxation must be adopted, and among them I recommended a graduated inheritance tax as correct in principle and as certain and easy of collection.*

*The House of Representatives has adopted the suggestion, and has provided in the bill it passed for the collection of such a tax. In the Senate the action of its Finance Committee and the course of the debate indicate that it may not agree to this provision, and it is now proposed to make up the deficit by the imposition of a general income tax, in form and substance of almost exactly the same character as, that which in the case of **Pollock v. Farmer's Loan and Trust Company (157 U.S., 429)** was held by the Supreme Court to be a direct tax, and therefore not within the power of the Federal Government to impose unless apportioned among the several States according to population. [Emphasis added] This new proposal, which I did not discuss in my inaugural*

address or in my message at the opening of the present session, makes it appropriate for me to submit to the Congress certain additional recommendations.

Again, it is clear that by the enactment of the proposed law the Congress will not be bringing money into the Treasury to meet the present deficiency. The decision of the Supreme Court in the income-tax cases **deprived the National Government of a power** which, by reason of previous decisions of the court, it was **generally supposed that government had**. It is undoubtedly a power the National Government ought to have. It might be indispensable to the Nation's life in great crises. Although I have not considered a constitutional amendment as necessary to the exercise of certain phases of this power, a mature consideration has satisfied me that an amendment is the only proper course for its establishment to its full extent.

I therefore recommend to the Congress that both Houses, by a two-thirds vote, **shall propose an amendment to the Constitution conferring the power to levy an income tax upon the National Government without apportionment among the States in proportion to population.**

This course is much to be preferred to the one proposed of reenacting a law once judicially declared to be unconstitutional. For the Congress to assume that the court will reverse itself, and to enact legislation on such an assumption, will not strengthen popular confidence in the stability of judicial construction of the Constitution. It is much wiser policy to accept the decision and remedy the defect by amendment in due and regular course.

Again, it is clear that by the enactment of the proposed law the Congress will not be bringing money into the Treasury to meet the present deficiency, but by putting on the statute book a law already there and never repealed will simply be suggesting to the executive officers of the Government their possible duty to invoke litigation.

If the court should maintain its former view, no tax would be collected at all. If it should ultimately reverse itself, still no taxes would have been collected until after protracted delay.

It is said the difficulty and delay in securing the approval of three-fourths of the States will destroy all chance of adopting the amendment. Of course, no one can speak with certainty upon this point, but I have become convinced that a great majority of the people of this country are in favor of investing the National Government with power to levy an income tax, and that they will secure the adoption of the amendment in the States, if proposed to them.

**Second, the decision in the Pollock case left power in the National Government to levy an excise tax, which accomplishes the same purpose as a corporation income tax and is free from certain objections urged to the proposed income tax measure.**

I therefore recommend an **amendment to the tariff bill Imposing upon all corporations and joint stock companies for profit, except national banks (otherwise taxed), savings banks, and building and loan associations, an excise tax measured by 2 per cent on the net income of such corporations. This is an excise tax upon the privilege of doing business as an artificial entity and of freedom from a general partnership liability enjoyed by those who own the stock.** [Emphasis added] I am informed that a 2 per cent tax of this character would bring into the Treasury of the United States not less than \$25,000,000.

The decision of the Supreme Court in the case of *Spreckels Sugar Refining Company against McClain* (192 U.S., 397), seems clearly to **establish the principle that such a tax as this is an excise tax upon privilege and not a direct tax on property**, and is within the federal power without apportionment according to population. The tax on net income is preferable to one proportionate to a percentage of the gross receipts, because it is a tax upon success and not failure. It imposes a burden at the source of the income at a time when the corporation is well able to pay and when collection is easy.

Another merit of this tax is the federal supervision, which must be exercised in order to make the law effective over the annual accounts and business transactions of all corporations. While the faculty of assuming a corporate form has been of the utmost utility in the business world, it is also true that substantially all of the abuses and all of the evils which have aroused the public to the necessity of reform were made possible by the use of this very faculty. If now, by a perfectly legitimate and effective system of taxation, we are incidentally able to possess the Government and the stockholders and the public of the knowledge of the real business transactions and the gains and profits of every corporation in the country, we have made a long step toward that supervisory control of corporations which may prevent a further abuse of power.

I recommend, then, first, the adoption of a joint resolution by two-thirds of both Houses, proposing to the States an amendment to the Constitution granting to the Federal Government the right to levy and collect an income tax without apportionment among the several States according to population; and, second, the enactment, as part of the pending revenue measure, either as a substitute for, or in addition to, the inheritance tax, of an excise tax upon all corporations, measured by 2 percent of their net income.

Wm. H. Taft

Some people have asserted that it is deceptive to claim that the phrase above "shall propose an amendment to the Constitution conferring the power to levy an income tax upon the National Government" implies it is a tax upon the government. In retort, the following proves we are not only correct, but that the only real DECEPTIVE one was Taft Himself:

1. Taft could have said "shall propose an amendment to the Constitution conferring upon the national government the power to levy an income tax" but DID NOT state it more correctly this way.
2. The legislative implementation of what he proposed he described as an excise and a privilege tax ONLY upon corporations, which even after the Sixteenth Amendment was ratified, is EXACTLY and ONLY what the Sixteenth Amendment currently authorizes. These corporations are NATIONAL corporations, not STATE corporations, by the way.

*"Income" has been taken to mean the same thing as used in the Corporation Excise Tax Act of 1909, in the Sixteenth Amendment, and in the various revenue acts subsequently passed. Southern Pacific Co. v. Lowe, 247 U.S. 330, 335; Merchants' L. & T. Co. v. Smietanka, 255 U.S. 509, 219. After full consideration, this Court declared that income may be defined as gain derived from capital, from labor, or from both combined, including profit gained through sale or conversion of capital. Stratton's Independence v. Howbert, 231 U.S. 399, 415; Doyle v. Mitchell Brothers Co., 247 U.S. 179, 185; Eisner v. Macomber, 252 U.S. 189, 207. And that definition has been adhered to and applied repeatedly. See, e.g., Merchants' L. & T. Co. v. Smietanka, supra; 518; Goodrich v. Edwards, 255 U.S. 527, 535; United States v. Phellis, 257 U.S. 156, 169; Miles v. Safe Deposit Co., 259 U.S. 247, 252-253; United States v. Supplee-Biddle Co., 265 U.S. 189, 194; Irwin v. Gavit, 268 U.S. 161, 167; Edwards v. Cuba Railroad, 268 U.S. 628, 633. In determining what constitutes income, substance rather than form is to be given controlling weight. Eisner v. Macomber, supra, 206. [271 U.S. 175]"*  
*[Bowers v. Kerbaugh-Empire Co., 271 U.S. 170, 174, (1926)]*

3. The U.S. Supreme Court in Downes v. Bidwell agreed that the income tax extends wherever the GOVERNMENT extends, rather than where the GEOGRAPHY extends. Notice it says "without limitation as to place" and "places over which the GOVERNMENT extends".

"Loughborough v. Blake, 18 U.S. 317, 5 Wheat. 317, 5 L.Ed. 98, was an action of trespass (or, as appears by the original record, replevin) brought in the Circuit Court for the District of Columbia to try the right of Congress to impose a direct tax for general purposes on that District. 3 Stat. 216, c. 60, Fed. 17, 1815. It was insisted that Congress could act in a double capacity: in [\*\*\*32] one as legislating [\*260] for the States; in the other as a local legislature for the District of Columbia. In the latter character, it was admitted that the power of levying direct taxes might be exercised, but for District purposes only, as a state legislature might tax for state purposes; but that it could not legislate for the District under Art. I, sec. 8, giving to Congress the power "to lay and collect taxes, imposts and excises," which "shall be uniform throughout the [CONSTITUTIONAL] United States[\*\*\*]." inasmuch as the District was no part of the [CONSTITUTIONAL] United States[\*\*\*]. It was held that the grant of this power was a general one without limitation as to place, and consequently extended to all places over which the government extends; and that it extended to the District of Columbia as a constituent part of the United States. The fact that Art. I, sec. 20, declares that "representatives and direct taxes shall be apportioned among the several States . . . according to their respective numbers," furnished a standard by which taxes were apportioned; but not to exempt any part of the country from their operation. "The words used do not mean, that direct taxes shall be imposed on States only which are [\*\*\*33] represented, or shall be apportioned to representatives; but that direct taxation, in its application to States, shall be apportioned to numbers." That Art. I, sec. 9, P4, declaring that direct taxes shall be laid in proportion to the census, was applicable to the District of Columbia, "and will enable Congress to apportion on it its just and equal share of the burden, with the same accuracy as on the respective States. If the tax be laid in this proportion, it is within the very words of the restriction. It is a tax in proportion to the census or enumeration referred to." It was further held that the words of the ninth section did not "in terms require that the system of direct taxation, when resorted to, shall be extended to the territories, as the words of the second section require that it shall be extended to all the [\*\*\*777] States. They therefore may, without violence, be understood to give a rule when the territories shall be taxed without imposing the necessity of taxing them."

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

4. The fact that when former President and then Chief Justice Taft heard the FIRST case in the Supreme court after ratification, he stated that the liability for an income tax had NOTHING TO DO with one's nationality or domicile! Cook, American national abroad in Mexico and domiciled there was outside the statutory geographical "United States". Recall that the U.S. Supreme Court in [Lawrence v. State Tax Commission, 286 U.S. 276 \(1932\)](#) held that domicile was the SOLE basis for income tax so Cook technically could NOT owe an income tax. But his litigation related to a 1040 return he previously filed in which he INCORRECTLY declared his status as that of a "U.S individual". Thus, he made an ELECTION (consent) to be treated as a statutory "U.S. person" and thus ELECTED himself into a voluntary "taxpayer" office to procure protection of the national government while abroad. Notice he calls "protection" a BENEFIT, and thus a VOLUNTARY EXCISE TAXABLE FRANCHISE! Notice he says the SOLE BASIS in this case was the STATUTORY STATUS under the Internal Revenue Code of "citizen", and not "domicile". That civil statutory status and NOT Constitutional or Fourteenth Amendment status, we prove in [How State Nationals Volunteer](#)

to Pay Income Tax, Form #08.024, is an OFFICE within the Department of Treasury who works for the Secretary of the Treasury.

*"The contention was rejected that a citizen's property without the limits of the United States derives no benefit from the United States. The contention, it was said, came from the confusion of thought in "mistaking the scope and extent of the sovereign power of the United States as a nation and its relations to its citizens and their relations to it." And that power in its scope and extent, it was decided, is based on the presumption that government by its very nature benefits the citizen and his property wherever found, and that opposition to it holds on to citizenship while it "belittles and destroys its advantages and blessings by denying the possession by government of an essential power required to make citizenship completely beneficial." In other words, the principle was declared that the government, by its very nature, benefits the citizen and his property wherever found and, therefore, has the power to make the benefit complete. Or to express it another way, the basis of the power to tax was not and cannot be made dependent upon the situs of the property in all cases, it being in or out of the United States, and was not and cannot be made dependent upon the domicile of the citizen, that being in or out of the United States, but upon his relation as citizen to the United States and the relation of the latter to him as citizen. The consequence of the relations is that the native citizen who is taxed may have domicile, and the property from which his income is derived may have situs, in a foreign country and the tax be legal — the government having power to impose the tax."*  
[Cook v. Tait, 265 U.S. 47 (1924)]

5. The definition of "person" in 26 U.S.C. §6671(b) and 26 U.S.C. §7343 for the purposes of penalty and criminal enforcement purposes limits itself to government employees and instrumentalities of the government. The rules of statutory construction and interpretation forbid adding anything to these definitions not expressly provided, such as PRIVATE constitutionally protected men and women. Thus, anyone who doesn't fall within the ambit of these definitions is, by definition, a VOLUNTEER because not a proper target of enforcement.

TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > Sec. 6671  
Sec. 6671. - Rules for application of assessable penalties  
(b) Person defined

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

TITLE 26 > Subtitle F > CHAPTER 75 > Subchapter D > Sec. 7343.  
Sec. 7343. - Definition of term "person"

The term "person" as used in this chapter [Chapter 75] 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

6. The following memorandum of law proves that the only proper target of IRS enforcement are public officers WITHIN the government.

Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008  
<https://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>

7. The fact that "United States" is geographically defined in 26 U.S.C. §7701(a)(9) and (a)(10) as the District of Columbia and the CONSTITUTIONAL states of the Union are never mentioned. That place is synonymous with the GOVERNMENT in 4 U.S.C. §72 and not any geography.
8. The fact that the ACTIVITY that is subject to excise taxation within the Internal Revenue Code is legally defined in 26 U.S.C. §7701(a)(26) as "the functions of a public office", meaning an office WITHIN the national and not state government. For exhaustive details on this subject, see:

The "Trade or Business" Scam, Form #05.001  
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>

9. The fact that the Federal Register Act and the Administrative Procedures Act both limit the TARGET of direct STATUTORY enforcement to the following groups, none of which include most people in states of the Union and which primarily consist of government employees only:
- 9.1. A military or foreign affairs function of the United States. 5 U.S.C. §553(a)(1) .
- 9.2. A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts. 5 U.S.C. §553(a)(2).
- 9.3. Federal agencies or persons in their capacity as officers, agents, or employees thereof. 44 U.S.C. §1505(a)(1).

1 You can find more on the above in:

*Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union*, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>

2 10. The fact that they can only tax legislatively created offices who work for them. See:

*Hierarchy of Sovereignty: The Power to Create is the Power to Tax*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Remedies/PowerToCreate.htm>

3 11. The idea that governments are created to PROTECT private property, not steal it, and that taxation involves the  
4 institutionalized process of converting PRIVATE property to PUBLIC property without the express consent of the  
5 owner. Thus, the process of PAYING for government protection involves the OPPOSITE purpose for which  
6 governments are created—converting PRIVATE property to PUBLIC property, often without the consent of the owner,  
7 for the purposes of delivering the OPPOSITE, which is PREVENTING PRIVATE property from being converted to  
8 PUBLIC property! The Declaration of Independence declares that all just powers derive from the consent of the  
9 governed, and yet we make an EXCEPTION to that requirement when it comes to taxation? Absurd. So they HAVE to  
10 procure your consent to occupy a civil statutory office BEFORE they can enforce against you or else they are violating  
11 the Thirteenth Amendment and engaging in criminal human trafficking. For a description of just how absurd it is to  
12 NOT require consent to this office and to convert (STEAL) private property without the consent of the owner, see:

*Separation Between Public and Private Course*, Form #12.025  
<https://sedm.org/LibertyU/SeparatingPublicPrivate.pdf>

13 12. A query of the ChatGPT-4 AI Chatbot confirms our analysis is correct:



In the phrase " shall propose an amendment to the Constitution conferring the power to levy an income tax upon XYZ", was this a tax upon xyz or upon people OTHER than xyz?

✓ Searching for: what is the meaning of "levy an income tax upon XYZ" in the constitution

✓ Generating answers for you...

The phrase "shall propose an amendment to the Constitution conferring the power to levy an income tax upon XYZ" means that the amendment would give the National Government the power to impose a tax on XYZ <sup>1</sup>. Therefore, the income tax would be imposed on XYZ and not on people other than XYZ.

Learn more:

1. merriam-webster.com

2. merriam-webster.com

3. britannica.com — see less

1

2 So what the President proposed was an excise tax on the government itself, and nothing more. This is important. More on  
3 the history of the Sixteenth Amendment at:

- 4 1. Taxation Page, Section 13: 16th Amendment, Family Guardian Fellowship  
5 <https://famguardian.org/Subjects/Taxes/taxes.htm>  
6 2. Great IRS Hoax, Form #11.302, Sections 3.8.11 and 3.8.12  
7 <https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>  
8 3. Great IRS Hoax, Form #11.302, Section 6.7.1: 1925: William H. Taft's Certiori Act of 1925. President Taft's SCAM to  
9 make the income tax INTERNATIONAL in scope by DENYING all appeals relating to it so the Supreme Court

wouldn't have to rule on the illegal enforcement of the income tax.

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

4. The Law that Never Was, William Benson. Book about the FRAUDULENT ratification of the Sixteenth Amendment.
5. Congressional Debates on the Sixteenth Amendment, Family Guardian Fellowship  
<http://famguardian.org/TaxFreedom/History/Congress/1909-16thAmendCongrRecord.pdf>

EVEN in the case of item 2 of the extraterritorial jurisdiction list entitled "A matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts" above, legislative control over property is limited to public offices, and NOT to private state nationals. A "public officer", after all, is legally defined in Black's Law Dictionary as someone in charge of the PROPERTY of the public. We have never seen any case hold that merely possessing physical property of the national government while physically present within a constitutional state confers DIRECT, PERSONAL legislative jurisdiction over the person whose hands that property is physically in.

The above exceptions are discussed in:

1. Hot Issues: Laws of Property, SEDM  
<https://sedm.org/laws-of-property/>
2. Why the Federal Income Tax is a Privilege Tax Upon Government Property, Form #04.404  
<https://sedm.org/product/why-the-federal-income-tax-is-a-privilege-tax-on-government-property-form-04-404/>
3. Challenge to Income Tax Enforcement Authority Within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
4. Federal Enforcement Authority Within States of the Union, Form #05.032  
<https://sedm.org/reference/mbr-sub-area/>
5. IRS Due Process Meeting Handout, Form #03.008  
<https://sedm.org/Forms/03-Discovery/IRSDueProcMtgHandout.pdf>

The lower case word "state" in the context of federal statutes and regulations means one of the 50 union states, which are "foreign states", and "foreign countries" with respect to the federal government as clearly explained in section 5.2.11 of the Great IRS Hoax, Form #11.302 (OFFSITE LINK) book. In the context of the above, a "Union State" means one of the 50 Union states of the United States\* (the country, not the federal United States\*\*) mentioned in the Constitution for the United States of America.

If you would like to know all the implications of the separation of powers reflected in the above table, as well as a history of unconstitutional efforts to destroy this separation, see the following references:

1. Government Conspiracy to Destroy the Separation of Powers, Form #05.023  
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>
2. Sovereignty Forms and Instructions Online, Form #10.004, Cites by Topic: "Separation of Powers" (OFFSITE LINK)  
<http://famguardian.org/TaxFreedom/CitesByTopic/SeparationOfPowers.htm>

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#### FOOTNOTES:

- [1] See California Revenue and Taxation Code, section 6017.
- [2] See California Revenue and Taxation Code, section 17018.
- [3] See, for instance, U.S. Constitution Article IV, Section 2.
- [4] See <https://www.law.cornell.edu/uscode/text/48>

#### 14.15.3 Capitalization within Statutes and Regulations

Whenever you are reading a particular law, including the U.S. Constitution, or a statute, the Sovereign referenced in that law, who is usually the author of the law, is referenced in the law with the first letter of its name capitalized. For instance, in the U.S. Constitution the phrase "We the People", "State", and "Citizen" are all capitalized, because these were the sovereign entities who were writing the document residing in the States. This document formed the federal government and gave it its authority. Subsequently, the federal government wrote statutes to implement the intent of the Constitution, and it became the Sovereign, but only in the context of those territories and lands ceded to it by the union states. When that federal government

then refers in statutes to federal “States”, for instance in 26 U.S.C. §7701(a)(10) or 4 U.S.C. §110(d), then these federal “States” are Sovereigns because they are part of the territory controlled by the Sovereign who wrote the statute, so they are capitalized. Foreign states referenced in the federal statutes then must be in lower case. The sovereign 50 union states, for example, must be in lower case in federal statutes because of this convention because they are foreign states. *Capitalization is therefore always relative to who is writing the document, which is usually the Sovereign and is therefore capitalized.* The exact same convention is used in the Bible, where all appellations of God are capitalized because they are sovereigns: “Jesus”, “God”, “Him”, “His”, “Father”. These words aren’t capitalized because they are proper names, but because the entity described is a sovereign or an agent or part of the sovereign. The only exception to this capitalization rule is in state revenue laws, where the state legislators use the same capitalization as the Internal Revenue Code for “State” in referring to federal enclaves within their territory because they want to scam money out of you. In state revenue laws, for instance in the California Revenue and Taxation Code (R&TC) sections 17018 and 6017, “State” means a federal State within the boundaries of California and described as part of the Buck Act of 1940 found in 4 U.S.C. §§105-113.

#### 14.15.4 Legal Status of Federal Enclaves within the States

SOURCE: State Income Taxes, Form #05.031, Section 5; <https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf>.

1. Federal enclaves are land subject to the exclusive jurisdiction of the national government within the exterior limits of a Constitutional state of the Union.
2. The legal status of federal enclaves is discussed in the following Wikipedia article:  

Wikipedia: Federal Enclave  
[https://en.wikipedia.org/wiki/Federal\\_enclave](https://en.wikipedia.org/wiki/Federal_enclave)
3. Most states define the terms "in this State" and "this State" as including ONLY these areas. See:  

State Income Taxes, Form #05.031, Section 10.6  
<https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf>
4. It is a VIOLATION of the separation of powers doctrine and a crime in many CONSTITUTIONAL states for an officer of a state to simultaneously serve in a FEDERAL office and a STATE office at the same time. This is because it creates a conflict of interest. The I.R.C. Subtitle A and C income tax is a PRIVILEGE tax upon public offices within the NATIONAL and NOT STATE government. See:  

The “Trade or Business” Scam, Form #05.001  
<https://sedm.org/Forms/05-MemLaw/TradeOrBusScam.pdf>
5. Those in state government who pay STATE income tax, if that tax PIGGYBACKS on the federal tax, are committing the CRIME and UNCONSTITUTIONAL act of simultaneously serving in a STATE office and a FEDERAL office at the SAME time!
6. The Buck Act, 4 U.S.C. §§105-110 governs what happens in federal areas, which it defines as property owned by the national government WITHIN A FEDERAL TERRITORY OR POSSESSION, but NOT a Constitutional state. We have found NO authority that makes "federal enclaves" and "federal areas" equivalent.
7. Application of the Bill of Rights to federal enclaves is discussed in:  

Catalog of U.S. Supreme Court Doctrines, Litigation Tool #10.020, Section 5.5  
<https://sedm.org/Litigation/10-PracticeGuides/SCDoctrines.pdf>
8. Supreme court doctrines dealing with federal enclaves/areas include:
  - 8.1. Friction not Fiction Doctrine, Howard v. Commissioners, 344 U.S. 624, 626, 73 S.Ct. 465, 97 L.Ed. 617 (1953).
9. Howard v. Commissioners, 344 U.S. 624, 626, 73 S.Ct. 465, 97 L.Ed. 617 (1953) is what authorized state income tax within federal enclaves.
  - 9.1. There is no actual LAW that allows this. Congress couldn't pass such a law because it would violate the separation of powers.
  - 9.2. The U.S. Supreme Court did cite the Buck Act in this case, but this act does not apply to constitutional states because of the separation of powers.
  - 9.3. The ruling in Howard, however VIOLATED the rules of statutory construction:

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

"When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's ordinary meaning. *Meese v. Keene*, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition of the term excludes unstated meanings of that term"); *Colautti v. Franklin*, 439 U.S. at 392-393, n. 10 ("As a rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated'"); *Western Union Telegraph Co. v. Lenroot*, 323 U.S. 490, 502 (1945); *Fox v. Standard Oil Co. of N.J.*, 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, *Sutherland on Statutes and Statutory Construction* § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary." [Stenberg v. Carhart, 530 U.S. 914 (2000)]

9.4. By violating the rules of statutory construction in this case, the U.S. Supreme Court in effect "legislated from the bench" by adding things to the definition of "State" in [4 U.S.C. §110\(d\)](#) that do not expressly appear, and thus CONFLATED "federal enclaves" with "federal areas" mentioned in the [Buck Act, 4 U.S.C. §§105-110](#). Thus, it violated the separation of powers by in effect "legislating from the bench", and in so doing, also violated the separation of powers between the states and the national government. THE SUPREME COURT COMMITTED TREASON IN THIS CASE, PUNISHABLE BY DEATH according to [18 U.S.C. §2381](#)!

9.5. On the subject of U.S. Supreme Court TREASON in expanding the definition of "State" found in [4 U.S.C. §110\(d\)](#), the [ChatGPT AI Chatbot](#) said:

*QUESTION: In Howard, however, they completely glossed over the meaning of "State" in 4 U.S.C. §110(d), so they SILENTLY and by PRESUMPTION "legislated from the bench".*

*ANSWER: It is important to note that I am an AI language model and cannot provide real-time analysis of specific court cases or access case-specific details beyond what is available in publicly accessible sources up to September 2021. Consequently, I cannot delve into the specific details or reasoning of the Howard v. Commissioners case.*

*However, I understand your concern regarding the interpretation of the term "State" in 4 U.S.C. §110(d) and the potential implications of the Court's ruling in Howard v. Commissioners. In general, when courts interpret statutes, they aim to give effect to the intent of the legislature and consider the context and purpose of the law.*

*While it is possible to argue that the Court's interpretation in Howard v. Commissioners involved a broadening of the term "State" beyond its explicit statutory definition, it is ultimately the role of the judiciary to interpret laws and resolve legal disputes. Judicial interpretation can sometimes involve filling gaps or making inferences to ensure the law is applied appropriately in specific cases.*

*If you have specific concerns or seek a more comprehensive analysis of the case, it would be advisable to consult legal experts or scholarly sources that have thoroughly examined the details and implications of Howard v. Commissioners. They can provide a more nuanced perspective on the court's reasoning and the impact of the decision.*

Do you think a LEGAL EXPERT they recommend above whose livelihood and his next meal and Mercedes payment comes from MISREPRESENTING the law to expand his client base is going to be any less duplicitous than the U.S. Supreme court on this issue? NOT! It has NEVER been the proper role of ANY de jure judiciary to MALICIOUSLY destroy the [separation of powers](#). The Supreme Court is now a [DE FACTO institution \(Form #05.043\)](#) because of what it did in this case.

10. For more on the "separation of powers doctrine", see:

[Government Conspiracy to Destroy the Separation of Powers, Form #05.023](#)  
<https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

The DE FACTO ruling in [Howard v. Commissioners, 344 U.S. 624, 626, 73 S.Ct. 465, 97 L.Ed. 617 \(1953\)](#) is HUGE important, because:

1. This ruling is the basis of ALL state income taxation!
2. Many different states define the term "this State" or "in this State" as federal areas within their borders. For a list of them, see:

[State Income Taxes, Form #05.031, Section 10.6](#)  
<https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf>

3. The U.S. Supreme Court in [Lawrence v. State Tax Commission, 286 U.S. 276 \(1932\)](#), declared that in the case of a CONSTITUTIONAL state, DOMICILE is the SOLE basis for income taxation. See:

[Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 1](#)



<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>

4. You can only have ONE domicile at a SINGLE geographical place at a time.
5. In order to have a STATE income liability, you must ALSO have a FEDERAL liability, which means these two jurisdictions must PHYSICALLY OVERLAP. Two sovereigns cannot have civil or exclusive jurisdiction over the SAME physical place at the SAME time.
6. That GEOGRAPHICAL overlap is FORBIDDEN by the [separation of powers](#). If you file as a "[nonresident alien](#)" at the federal level, then you must file as a "[nonresident alien](#)" at the state level. If you owe nothing federal, then you can owe nothing to the state, even if you are domiciled WITHIN the CONSTITUTIONAL state and outside of federal enclaves within that state!

So we have a [LYING, DE FACTO government \(Form #05.043\)](#), thanks to the U.S. Supreme Court in this case, which made itself into a LEGISLATOR by EXPANDING the definition of "State" in [4 U.S.C. §110\(d\)](#). AND they did it because of the love of money. CRIMINALS! Here is what the DESIGNER of the three branch separation of powers built into our Constitution said about the EFFECT of this CRIMINAL behavior by the U.S. Supreme Court:

*"When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.*

*Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator. Were it joined to the executive power, the judge might behave with violence and oppression [sound familiar?].*

*There would be an end of everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of trying the causes of individuals."*

[. . .]

*In what a situation must the poor subject be in those republics! The same body of magistrates are possessed, as executors of the laws, of the whole power they have given themselves in quality of legislators. They may plunder the state by their general determinations; and as they have likewise the judiciary power in their hands, every private citizen may be ruined by their particular decisions."*  
[The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;  
SOURCE: [http://famguardian.org/Publications\SpiritOfLaws\sol\\_11.htm](http://famguardian.org/Publications\SpiritOfLaws\sol_11.htm)]

If you would like more information about the interplay between STATE taxation and FEDERAL taxation, see:

State Income Taxes, Form #05.031

<https://sedm.org/Forms/05-MemLaw/StateIncomeTax.pdf>

#### **14.15.5 Relationship of Citizenship Terms to Geographical Definitions**

The relationship between citizenship terms and the geographical definitions shown here can be examined using the following documents on this site:

1. *Citizenship Status v. Tax Status*, Form #10.011-very important!  
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
2. *Citizenship Diagrams*, Form #10.010--helps graphically explain the distinctions between nationality and domicile for those not schooled in the law.  
<https://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>
3. *Citizenship, Domicile, and Tax Status Options*, Form #10.003-use this form in response to legal discovery, and attach to your civil pleadings in court to protect your status.  
<https://sedm.org/Forms/10-Emancipation/CitDomTaxStatusOptions.pdf>
4. *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

#### **14.16 How a POLITICAL citizen\* ELECTS to be a CIVIL citizen\*\*+D under the Internal Revenue Code**





## **15. HOW YOU ARE ILLEGALLY DECEIVED OR COMPELLED TO TRANSITION FROM BEING A POLITICAL CITIZEN TO A CIVIL CITIZEN: BY CONFUSING THE TWO CONTEXTS**

We state throughout this memorandum that the definitions of terms used are *extremely* important, and that when the government wants to usurp additional jurisdiction beyond what the Constitution authorizes, it starts by confusing and obfuscating the definition of key terms. The courts then use this confusion and uncertainty to stretch their interpretation of legislation in order to expand government jurisdiction, in what amounts to “judge-made law”. This in turn transforms a government of “laws” into a government of “men” in violation of the intent of the Constitution (see *Marbury v. Madison*, 5 U.S. 137 (1803)). You will see in this section how this very process has been accomplished with the citizenship issue. The purpose of this section is therefore to:

1. Provide definitions of the key and more common terms used both by the Federal judiciary courts and the Legislative branch in Title 8 so that you will no longer be deceived.
2. Show you how the government and the legal profession have obfuscated key citizenship terms over the years to expand their jurisdiction and control over Americans beyond what the U.S.A. Constitution authorizes.

The main prejudicial and usually invisible presumption that governments, courts and judges make which is most injurious to your rights is the association between the words “citizen” and “citizenship” with the term “domicile”. Whenever either you or the government uses the word “citizen”, they are making the following presumptions:

1. That you maintain a domicile within their civil legislative jurisdiction. This means that if you are in a federal court, for instance, that you have a legal domicile on federal territory and not within the exclusive jurisdiction of any state of the Union.
2. That you owe allegiance to them and are required as part of that allegiance to pay them “tribute” for the protection they afford.
3. That you are qualified to participate in the affairs of the government as a voter or jurist, even though you may in fact not participate at that time.

### **15.1 Where the confusion over citizenship originates: Trying to make POLITICAL and CIVIL contexts equivalent**

The U.S. Supreme Court identified where all the current confusion over citizenship comes from. Here is their explanation:

*"Under our own systems of polity, the term 'citizen', implying the same or similar relations to the government and to society which appertain to the term, 'subject' in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities -- to a being or agent [PUBLIC OFFICER!] possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptance only, therefore, that the term 'citizen', in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between 'citizens' of different states. This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States."*

*"Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment, for it is not liable to corporeal penalties -- that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from*

the decisions of the cases of Bank of the United States v. Deveaux and of Cincinnati & Louisville Railroad Company v. Letson afford some illustration of the effects which must ever follow a departure from the settled principles of the law. **These principles are always traceable to a wise and deeply founded experience; they are therefore ever consentaneous and in harmony with themselves and with reason, and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion.**

[Rundle v. Delaware & Raritan Canal Company, 55 U.S. 80, 99 (1852) from dissenting opinion by Justice Daniel]

The CONFUSION of the CONSTITUTIONAL POLITICAL and STATUTORY CIVIL contexts is the origin of why we say that lawyers “speak with forked tongue” like a snake. Snakes have two forks on their tongue and they are the origin of the fall of Adam and Eve. One “fork” of the tongue is the CONSTITUTIONAL context and the other “fork” is the STATUTORY context. The purpose of confusing the two contexts is to “dissimulate” people and make them FALSELY look like public officers that the government has jurisdiction over.

dis-sim-u-lat-ed | dis-sim-u-lat-ing

transitive verb

: to hide under a false appearance <smiled to dissimulate her urgency — Alice Glenday>

[Merriam Webster Online Dictionary, 2/3/2014;

SOURCE: <http://www.merriam-webster.com/dictionary/dissimulated>]

For an example of how this “dissimulation” works, watch the following videos. These videos are from a now bankrupt company whose motto was “Don’t Judge Too Quickly”:

1. Hospital  
<https://sedm.org/liberty-university/liberty-university-2-10-1-hospital/>
2. Airplane  
<https://sedm.org/liberty-university/liberty-university-2-10-2-airplane/>
3. Home  
<https://sedm.org/liberty-university/liberty-university-2-10-3-home/>
4. Dad in Car  
<https://sedm.org/liberty-university/liberty-university-2-10-4-dad-in-car/>
5. Park  
<https://sedm.org/liberty-university/liberty-university-2-10-5-park/>

Dissimulating people in a LEGAL context requires the following on the part of the audience who are being deceived:

1. Legal ignorance.
2. Laziness or complacency that makes the observer NOT want to investigate the meaning of the terms used.
3. A willingness to engage in FALSE PRESUMPTIONS, all of which are a violation of due process of law if employed in a court of law. See:

<p><u>Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction</u>, Form #05.017 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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The above devious form of exploitation may be why the courts have said on this subject:

“The chief enemies of republican freedom are mental sloth, conformity, bigotry, superstition, credulity, monopoly in the market of ideas, and utter, benighted ignorance.”  
[Adele v. State of Florida, 385 U.S. 39, 49 (1967)]

“...the greatest menace to freedom is an inert [passive, ignorant, and uneducated] people [who refuse, as jurists and voters and active citizens, to expose and punish evil in our government]”  
[Whitney v. California, 274 U.S. 357 (1927)]

What thieves in what Mark Twain calls “the District of Criminals” have done to perpetuate, expand, and commercialize the DELIBERATE confusion caused by trying to make CONSTITUTIONAL and STATUTORY citizens equal is to essentially:

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**Why You Are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien**

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Rev. 6/13/2024

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

1. Use the term “United States” in a GENERAL sense and NEVER distinguish WHICH of the FOUR United States they mean in every specific context. According to the following maxim of law, this amounts to constructive FRAUD:

*“Dolus versatur generalibus. A deceiver deals in generals. 2 Co. 34.”*

*“Fraus latet in generalibus. Fraud lies hid in general expressions.”*

*Generale nihil certum implicat. A general expression implies nothing certain. 2 Co. 34.*

*Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right. 10 Co. 78.  
[Bouvier’s Maxims of Law, 1856]*

2. On government forms:

- 2.1. Exploit the ignorance of the average American by telling them the “United States” they mean is states of the Union, even though the OPPOSITE is technically true. For instance, tell them in untrustworthy publications or on the phone support that it means the COUNTRY. The following proves that all government publications and even phone support is UNTRUSTWORTHY according to the courts and even the agencies themselves. This lack of accountability is a strong motivation to LIE with impunity to increase revenues from ILLEGAL revenue collection:

Reasonable Belief About Income Tax Liability, Form #05.007

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

- 2.2. When the government receives your completed form or application, silently PRESUME the STATUTORY meaning of United States, meaning the federal zone or United States\*\*, is used everywhere on the form.

- 2.3. Classify any and all documents and records that would allow people to distinguish the two above contexts, INCLUDING especially the CSP code in your Social Security records. See section 15.13 later.

3. Create statutory franchises (“benefits”) under which all STATUTORY CIVIL “persons”, “citizens”, and “residents” are public officers of the United States federal corporation. Those participating then take on the character of the corporation they represent and are therefore indirectly federal corporations also. See:

Government Instituted Slavery Using Franchises, Form #05.030

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

4. Ensure the franchises limit themselves to federal territory in their geographical definitions (e.g. 26 U.S.C. §7701(a)(9) and (a)(10), and 4 U.S.C. §110(d)) to keep them lawful and constitutional.

5. FRAUDULENTLY abuse the terms “includes” and “including” and lies in completely UNTRUSTWORTHY government publications to illegally extend the reach of the franchises extraterritorially into CONSTITUTIONAL states of the Union. The abuse of “includes” provides a defense of “plausible deniability” if the government is caught in this SCAM. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

6. In creating withholding or application forms for the illegally enforced franchise:

- 6.1. Ensure that there are no STATUS blocks for those who don’t want to participate or are under criminal duress to participate.

- 6.2. Refuse to clarify or distinguish CONSTITUTIONAL citizens for STATUTORY citizens on the status block and only offer ONE option “U.S. citizen”, which is then PRESUMED to be a STATUTORY and NOT CONSTITUTIONAL citizen.

- 6.3. Offer no forms to QUIT the franchise, but FRAUDULENTLY call it “voluntary”. It can’t be voluntary unless you have a way to QUIT.

- 6.4. Tell people who want to quit that the computer or the form won’t allow you to quit, even though the regulations or law REQUIRES them to offer you that option.

- 6.5. Illegally penalize or discriminate against people who fill the form out properly by indicating that they aren’t eligible, are under criminal duress, and are being tampered with as a federal witness to fill out the form in such a way that it FRAUDULENTLY appears that they consent to the franchise and ARE eligible. For instance, if they won’t consent to be a PUBLIC OFFICER called a “Taxpayer” or “citizen”, or “resident”, tell them as a private company that you can’t or won’t do business with them.

For details on the above criminal abuses of government forms to compel violation of the First Amendment right to not contract or associate, see:

Path to Freedom, Form #09.015, Section 5.3: Avoiding traps with government forms and government ID

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



7. Lie with impunity on the IRS Website and in IRS publications and on the IRS 800 line about the unlawful confusion of context. See:
- 7.1. *Reasonable Belief About Income Tax Liability*, Form #05.007  
<http://sedm.org/Forms/FormIndex.htm>
- 7.2. SEDM Liberty University, Section 8: Resources to Rebut Government, Legal, and Tax Profession Deception and False Propaganda  
<http://sedm.org/LibertyU/LibertyU.htm>
8. When the above doesn't work and people figure out the trick, illegally penalize "non-resident non-persons" not subject to the Internal Revenue Code (I.R.C.) for NOT CRIMINALLY declaring themselves as STATUTORY "persons", "individuals", "citizens", and "residents" on withholding forms. This is criminal witness tampering because all such forms are signed under penalty of perjury. See:
- Why Penalties are Illegal for Anything But Government Franchisees, Employees, Contractors, and Agents*, Form #05.010  
<http://sedm.org/Forms/FormIndex.htm>
9. Bribe CONSTITUTIONAL states to ACT like STATUTORY STATES and federal corporations in exchange for a share of the PLUNDER derived from the illegal enforcement of the tax code franchises. This causes them to help the national government essentially engage in acts of international commercial terrorism within their borders in violation of Article 4, Section 4, of the United States Constitution. This requires them to:
- 9.1. Use all the same tactics documented here in STATE courts and STATE statutes.
- 9.2. Use driver licensing as a way to essentially turn "drivers" into federal public officers by mandating use of Social Security Numbers available ONLY to federal territory domiciliaries. For details, see:
- Why You Aren't Eligible for Social Security*, Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>
10. Criminally and illegally bribe judges with financial rewards for sanctioning or convicting people who litigate to stop the above CRIMINAL activity. See 5 U.S.C. §§4502 through 4505, 18 U.S.C. §§201, 208, 210, and 211.
11. In court:
- 11.1. Judges under financial duress refuse to clarify which of the two "citizens" they are talking about in court rulings so that everyone will think they are the same.
- 11.2. Judges abuse choice of law rules to apply foreign statutory franchise codes to places they do not apply. See:
- Flawed Tax Arguments to Avoid*, Form #08.004, Section 4  
<http://sedm.org/Forms/FormIndex.htm>
- 11.3. Treat everyone as though they are franchisees (statutory "taxpayers", "spouses", "drivers"), whether they want to be or not. This is criminal identity theft and violates the Declaratory Judgments Act, 28 U.S.C. §2201(a).
- 11.4. When challenged to clarify the fact that you have been improperly confused with STATUTORY citizens and public officers as a state citizen, call your challenge "frivolous", which in itself is malicious abuse of legal process and violation of due process if not proven WITH EVIDENCE to a jury of disinterested peers.
12. Gag attorneys with attorney licensing so that their livelihood will be destroyed if they try to expose or prosecute or remedy any of the above. Do this IN SPITE of the fact that licensed attorneys are only required for those defending public offices in the government. The ability to regulate or license EXCLUSIVELY PRIVATE conduct is repugnant to the Constitution.<sup>94</sup> See also:
- Unlicensed Practice of Law*, Form #05.029  
<http://sedm.org/Forms/FormIndex.htm>
13. Dumb down the public school and law school curricula so that the average person and average lawyer are not aware of the above and therefore can't raise it as an issue in court.
14. When the above tactics are exposed on the internet, try to shut down the websites propagating them by:
- 14.1. Prosecuting the whistleblowers for promoting "abusive tax shelters" under 26 U.S.C. §6700, even though they are non-resident non-persons not subject to the Internal Revenue Code (I.R.C.) and can prove it.
- 14.2. Slandering them with fraudulent accusations of being irrational and criminal "sovereign citizens". See:
- Policy Document: Rebutted False Arguments About Sovereignty*, Form #08.018  
<http://sedm.org/Forms/FormIndex.htm>

<sup>94</sup> Here is how the federal judge in the case of Dr. Phil Roberts Tax Trial talked to the licensed attorney representing him: "The **practice of law, sir, is a privilege, especially in Federal Court**. You're close to losing that privilege in this court, Mr. Stillely." Read the transcript yourself. See *Great IRS Hoax*, Form #11.302, Section 6.8.1.



1 The only reason any of the above works is because the average American remains ignorant and complacent about law and  
2 legal subjects:

3 *"The only thing necessary for evil to triumph is for good men to do nothing or to trust bad men to do the right*  
4 *thing."*  
5 *[SEDM]*

6 *"...it is not good for a soul to be without knowledge,"*  
7 *[Prov. 19:2, Bible, NKJV]*

8 *"My people are destroyed for lack of knowledge."*  
9 *[Hosea 4:6, Bible, NKJV]*

10 *"...we should no longer be children, tossed to and fro and carried about with every wind of doctrine, by the*  
11 *trickery of men, in the cunning craftiness of deceitful plotting, but speaking the truth in love, may grow up in all*  
12 *things into Him who is the head—Christ."*  
13 *[Eph. 4:14, Bible, NKJV]*

14 *"One who turns his ear from hearing the law [[God's law](#) or [man's law](#)], even his prayer is an abomination."*  
15 *[Prov. 28:9, Bible, NKJV]*

16 The following subsections will go into greater depth about each of the above abuses to show how they are criminally  
17 perpetrated. This will allow you to get legal remedy in a court of law to correct them.

## 18 **15.2 How the confusion is generally perpetuated: Word of Art "United States"**

19 The main method of perpetuating the confusion between the STATUTORY and CONSTITUTIONAL context is a failure or  
20 refusal to distinguish WHICH of the four specific meanings of "United States" is implied in each use. We will cover how  
21 this is done in this section.

22 It is very important to understand that there are THREE separate and distinct GEOGRAPHICAL CONTEXTS in which the  
23 term "[United States](#)" can be used, and each has a mutually exclusive and different meaning. These three geographical  
24 definitions of "[United States](#)" were described by the U.S. Supreme Court in [Hooven and Allison v. Evatt, 324 U.S. 652](#)  
25 [\(1945\)](#):

26 **Table 21: Geographical terms used throughout this page**

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

27 In addition to the above GEOGRAPHICAL context, there is also a legal, non-geographical context in which the term "United  
28 States" can be used, which is the GOVERNMENT as a legal entity. Throughout this page and this website, we identify THIS  
29 context as "United States\*\*\*\*" or "United States<sup>4</sup>". The only types of "[persons](#)" within THIS context are [public offices within](#)  
30 [the national and not state government](#). It is THIS context in which "sources within the United States" is used for the purposes  
31 of "income" and "gross income" within the Internal Revenue Code, as proven by:

*Non-Resident Non-Person Position*, Form #05.020, Sections 5.4 and 5.4.11  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

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

- 34 1. Federal jurisdiction is unlawfully enlarged by abusing [presumption](#), which is a violation of due process of law. See:

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Presumption.pdf>

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>

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

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

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

4. Exclusively PRIVATE rights are transformed into public rights in a process we call "invisible theft using presumption and words of art".

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

Federal Jurisdiction, Form #05.018

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/FederalJurisdiction.pdf>

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

1. PRESUME that ALL of the four contexts for "United States" are equivalent.

2. PRESUME that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident" under federal civil law and NOT a STATUTORY "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401. See:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

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

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

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

7. Add things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the Rules of Statutory Construction and Interpretation. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

8. PRESUME that STATUTORY diversity of citizenship under 28 U.S.C. §1332 and CONSTITUTIONAL diversity of citizenship under Article III, Section 2 of the United States Constitution are equivalent.

8.1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive.

8.2. The STATUTORY definition of "State" in 28 U.S.C. §1332(e) is a federal territory. The definition of "State" in the CONSTITUTION is a State of the Union and NOT federal territory.

- 8.3. They try to increase this confusion by dismissing diversity cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on “diversity of CITIZENSHIP” and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term “CITIZENSHIP” is invoked. See Lamm v. Bekins Van Lines, Co., 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001)(“To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party’s citizenship.”, “[a]verments of residence are wholly insufficient for purposes of removal.”, “[a]lthough ‘citizenship’ and ‘residence’ may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.”).
9. Refuse to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
10. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:

Reasonable Belief About Income Tax Liability, Form #05.007  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

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

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

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

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

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

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

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

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

### 15.3 Purpose for the confusion in laws and forms

The purpose for the deliberate obfuscation of citizenship terms is to accomplish a complete breakdown of the separation of powers between the constitutional states of the Union and the national government, and thus, to compress us all into one mass under a national government just like the rest of the nations of the world. This form of corruption was predicted by Thomas Jefferson, one of our most revered Founding Fathers, when he said:

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

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

8 The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and  
9 unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special  
10 governments into the jaws of that which feeds them."  
11 [Thomas Jefferson to Spencer Roane, 1821. ME 15:326 ]

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

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

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

28 The systematic and diabolical plan to destroy the separation of powers and all the efforts to implement it are described in:

29 <u>Government Conspiracy to Destroy the Separation of Powers</u> , Form #05.023 30 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a>
--

31 The purpose of abusing this confusion of contexts between CONSTITUTIONAL and STATUTORY "citizens" and  
32 "residents" is to:

- 31 1. Avoid having to admit that YOU and not THEM are in charge, and that THEY are the SERVANT and buyer and you  
32 are the SOVEREIGN and seller. The seller or lender always wins under the UCC because he dictates the terms.

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

36 "Strictly speaking, in our republican form of government, the absolute sovereignty of the nation is in the people  
37 of the nation; and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the  
38 people of the state. 2 Dall. 471  
39 [Bouv. Law Dict (1870)]

40 "The ultimate authority ... resides in the people alone."  
41 [The Federalist, No. 46, James Madison]

42 "... a very great lawyer, who wrote but a few years before the American revolution, seems to doubt whether the  
43 original contract of society had in any one instance been formally expressed at the first institution of a state; The  
44 American revolution seems to have given birth to this new political phenomenon: in every state a written  
45 constitution was framed, and adopted by the people, both in their individual and sovereign capacity, and  
46 character. By this means, the just distinction between the sovereignty, and the government, was rendered  
47 familiar to every intelligent mind; the former was found to reside in the people, and to be unalienable from  
48 them; the latter in their servants and agents; by this means, also, government was reduced to its elements; its  
49 object was defined, its principles ascertained; its powers limited, and fixed; its structure organized; and the  
50 functions of every part of the machine so clearly designated, as to prevent any interference, so long as the limits  
51 of each were observed...."

[*Blackstone's Commentaries*, "View of the Constitution of the United States, Section 2 - Nature of U.S. Constitution; manner of its adoption; as annotated by St. George Tucker, William Young Birch and Abraham Small, c1803]

2. Make the consent to become a STATUTORY citizen "invisible", so you aren't informed that you can withdraw it and thereby obligate them to PROTECT your right to NOT consent and not be a "subject" under their void for vagueness franchise "codes". See:

Requirement for Consent, Form #05.003

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

3. Remove your ability to CIVILLY, POLITICALLY, and LEGALLY disassociate with them peacefully and thereby abolish your sponsorship of them. Thus, indirectly they are advocating lawlessness, violence, and anarchy, because these VIOLENT forces are the only thing left to remove their control over you if you can't lawfully do it peacefully.

4. Avoid having to be competitive and efficient like any other corporate business. Government is just a business, and the only thing it sells is "protection". You aren't required to "buy" their product or be a "customer".

4.1. In their language, civil STATUTORY "citizens" and "residents" are "customers".

4.2. You have a right NOT to contract with them for protection under the social compact.

4.3. You have a First Amendment right to NOT associate with them and not be compelled to associate with them civilly.

4.4. If you don't like their "product" you have a right FIRE them:

*"To secure these [inalienable] rights [to life, liberty, and the pursuit of happiness], governments are instituted among men, deriving their just powers from the consent of the governed... Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness."*

[Thomas Jefferson: Declaration of Independence, 1776. ME 1:29, Papers 1:429]

4.5. The ONLY peaceful means to "alter or abolish" them is to STOP subsidizing them and thereby take away ALL the power they have, which is primarily commercial. Any other means requires violence.

5. Make everything they do into essentially an adhesion contract, where the civil statutory law is the contract.

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

[Black's Law Dictionary, Sixth Edition, p. 40]

6. Replace the citizen/government relationship with the employee/employer relationship. All statutory "citizens" are public offices in the government. As Judge Napolitano likes to say in his Freedom Watch Program, Fox News:

*"Do we work for the government or does the government work for us"?*

If you would like more details on how this transition from citizen/government to employee/employer happens, see:

6.1. SEDM Ministry Introduction, Form #12.014

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

6.2. De Facto Government Scam, Form #05.043

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

7. Destroy the separation between PRIVATE humans and PUBLIC offices, and thus to impose the DUTIES of a public office against the will of those who do not consent in violation of the Thirteenth Amendment. See:

Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008

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

8. Destroy the separation of powers between the federal government and the states. See:

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

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

9. Undermine the very function of government, which is to protect PRIVATE, inalienable, Constitutional rights. The first step in that process is to prevent them from being converted to PUBLIC offices or PUBLIC rights with your



EXPRESS, INFORMED consent. Hence, this is not GOVERNMENT activity, but PRIVATE activity of a PRIVATE corporation and mafia protection racket.

10. Protect the plausible deniability of those who engage in it by allowing them to disingenuously say that it was an innocent or ignorant mistake. Ignorance of the law is not an excuse in criminal violations of this kind.

#### 15.4 Obfuscated federal definitions confuse CIVIL Context with POLITICAL Context

Beyond the above authorities, we then tried to locate credible legal authorities that explain the distinctions between the constitutional context and the statutory context for the term “United States”. The basic deception results from the following:

1. **The differences in meaning of the term “United States” between the U.S. Constitution and federal statutes.** The term “United States\*\*\*” in the Constitution means the collective 50 states of the Union (the United States of America), while in federal statutes, the term “United States\*\*\*” means the *federal zone*.
2. **Differences between citizenship definitions found in Title 8, the Aliens and Nationality Code, and those found in Title 26, the Internal Revenue Code.** The term “nonresident alien” as used in Title 26, for instance, does *not* appear anywhere in Title 8 but is the equivalent of the term “national” found in 8 U.S.C. §1101(a)(21) but not “national and citizen of the United States\*\*\*” in 8 U.S.C. §1401.
3. **Differences between citizenship definitions and the language of the courts.** The language of the courts is *independent* from the statutory definition so that it is difficult to correlate the term the courts are using and the related statutory definition. We will include in this section separate definitions for the statutes and the courts to make these distinctions clear in your mind.

We will start off by showing that no authoritative definition of the term “citizen of the United States[\*\*\*]” existed before the Fourteenth Amendment was ratified in 1868. This was revealed in the Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873):

*“The 1<sup>st</sup> clause of the 14<sup>th</sup> article was primarily intended to confer citizenship of the United States[\*\*\*] and citizenship of the states, and it recognizes the distinction between citizenship of a state and citizenship of the United States[\*\*\*] by those definitions.*

*“The 1<sup>st</sup> section of the 14<sup>th</sup> article, to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the state comprising the Union. Those, therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens.”*

[...]

*“To remove this difficulty primarily, and to establish a clear and comprehensive definition of citizenship which should declare what should constitute citizenship of the United States[\*\*\*] and also citizenship of a state, the 1<sup>st</sup> clause of the 1<sup>st</sup> section [of the Fourteenth Amendment] was framed:*

*‘All persons born or naturalized in the United States[\*\*\*] and subject to the jurisdiction thereof are citizens of the United States[\*\*\*] and of the state wherein they reside.’*

*“The first observation we have to make on this clause is that it puts at rest both the questions which we stated to have been the subject of differences of opinion. It declares that persons may be citizens of the United States[\*\*\*] without regard to their citizenship of a particular state, and it overturns the Dred Scott decision by making all persons born within the United States[\*\*\*] and subject to its jurisdiction citizens of the United States[\*\*\*]. That its main purpose was to establish the citizenship of the negro can admit of no doubt. The phrase ‘subject to its jurisdiction’ was intended to exclude from its operation children of ministers, consuls and citizens or subjects of foreign states born within the United States[\*\*\*].”*

*“The next observation is more important in view of the arguments of counsel in the present case. It is that the distinction between citizenship of the United States[\*\*\*] and citizenship of a state is clearly recognized and established. Not only may a man be a citizen of the United States[\*\*\*] without being a citizen of a state, but an important element is necessary to convert the former into the latter. He must reside within the state to make him a citizen of it but it is only necessary that he should be born or naturalized in the United States[\*\*\*] to be a citizen of the Union.*

1 It is quite clear, then, that there is a citizenship of the United States[\*\*\*], and a citizenship of a state, which are  
2 distinct from each other and which depend upon different characteristics or circumstances of the individual.”  
3 [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

4 A careful reading of *Boyd v. Nebraska*, 143 U.S. 135 (1892) helps clarify the true meaning of the term “citizen of the United  
5 States[\*\*\*]” in the context of the U.S. Constitution and the rulings of the U.S. Supreme Court. It shows that a “citizen of the  
6 United States[\*\*\*]” is indeed a “national” in the context of federal statutes only:

7 “Mr. Justice Story, in his *Commentaries on the Constitution*, says: ‘Every citizen of a state is ipso facto a citizen  
8 of the [143 U.S. 135, 159] United States[\*\*\*].’ Section 1693. And this is the view expressed by Mr. Rawle in his  
9 work on the Constitution. Chapter 9, pp. 85, 86. Mr. Justice CURTIS, in *Dred Scott v. Sandford*, 19 How. 393,  
10 576, expressed the opinion that under the constitution of the United States[\*\*\*] ‘every free person, born on the  
11 soil of a state, who is a citizen of that state by force of its constitution or laws, is also a citizen of the United  
12 States[\*\*\*].’ And Mr. Justice SWAYNE, in *The Slaughter-House Cases*, 16 Wall. 36, 126, declared that ‘a citizen  
13 of a state is ipso facto a citizen of the United States[\*\*\*].’ But in *Dred Scott v. Sandford*, 19 How. 393, 404, Mr.  
14 Chief Justice TENNEY, delivering the opinion of the court, said: ‘The words ‘people of the United States[\*\*\*]’ and  
15 ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the political body who, according  
16 to our republican institutions, form the sovereignty, and who hold the power and conduct the government through  
17 their representatives. They are what we familiarly call the ‘sovereign people,’ and every citizen is one of this  
18 people, and a constituent member of this sovereignty. ... In discussing this question, we must not confound the  
19 rights of citizenship which a state may confer within its own limits and the rights of citizenship as a member  
20 of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a state,  
21 that he must be a citizen of the United States[\*\*\*]. He may have all of the rights and privileges of the citizen of  
22 a state, and yet not be entitled to the rights and privileges of a citizen in any other state; for, previous to the  
23 adoption of the constitution of the United States[\*\*\*], every state had the undoubted right to confer on  
24 whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character, of course,  
25 was confined to the boundaries of the state, and gave him no rights or privileges in other states beyond those  
26 secured to him by the laws of nations and the comity of states. Nor have the several states surrendered the power  
27 of conferring these rights and privileges by adopting the constitution of the United States[\*\*\*]. Each state may  
28 still confer them upon an alien, or any one it thinks proper, or upon any class or description of persons; yet he  
29 would not be a citizen in the sense in [143 U.S. 135, 160] which that word is used in the constitution of the  
30 United States[\*\*\*], nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen  
31 in the other states. The rights which he would acquire would be restricted to the state which gave them. The  
32 constitution has conferred on congress the right to establish a uniform rule of naturalization, and this right is  
33 evidently exclusive, and has always been held by this court to be so. Consequently no state, since the adoption of  
34 the constitution, can, by naturalizing an alien, invest him with the rights and privileges secured to a citizen of a  
35 state under the federal government, although, so far as the state alone was concerned, he would undoubtedly be  
36 entitled to the rights of a citizen, and clothed with all the rights and immunities which the constitution and laws  
37 of the state attached to that character.’ “  
38 [Boyd v. Nebraska, 143 U.S. 135 (1892)]

39 Notice above that the term “citizen of the United States[\*\*\*]” and “rights of citizenship as a member of the Union” are  
40 described synonymously. Therefore, a “citizen of the United States[\*\*\*]” under the Fourteenth Amendment, section 1 and  
41 a “national” under 8 U.S.C. §1101(a)(21) are synonymous. As you will see in the following cite, people who were born in a  
42 state of the Union always were “citizens of the United States[\*\*\*]” by the definition of the U.S. Supreme Court, which made  
43 them “nationals of the United States[\*\*\*] of America” under federal statutes. What the Fourteenth Amendment did was extend  
44 the privileges and immunities of “nationals” (defined under federal statutes) to people of races other than white. The cite  
45 below helps confirm this:

46 “The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited,  
47 opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states.  
48 No such definition was previously found in the Constitution, nor had any attempt been made to define it by act  
49 of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the  
50 public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except  
51 as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided  
52 always in the District of Columbia or in the territories, though within the United States[\*\*\*], were not citizens.  
53 Whether this proposition was sound or not had never been judicially decided.”  
54 [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

55 We explained in section 4.12.14.4 of the *Great IRS Hoax*, Form #11.302 that the federal courts and especially the Supreme  
56 Court have done their best to confuse citizenship terms and the citizenship issue so that most Americans would be unable to  
57 distinguish between “national” and “U.S. citizen” status found in federal statutes. This deliberate confusion has then been  
58 exploited by collusion of the Executive Branch, who have used their immigration and naturalization forms and publications  
59 and their ignorant clerk employees to deceive the average American into thinking they are “U.S. citizens” in the context of  
60 federal statutes. Based on our careful reading of various citizenship cases mainly from the U.S. Supreme Court, Title 8 of  
61 the U.S. Code, Title 26 of the U.S. Code, as well as Black’s Law Dictionary, Sixth Edition, below are some citizenship terms

1 commonly used by the court and their correct and unambiguous meaning in relation to the statutes found in Title 8, which is  
2 the Aliens and Nationality Code:

1 **Table 22: Citizenship terms**

#	Term	Context	Meaning	Authorities	Notes
1	"nation"	Everywhere	In the context of the United States*** of America, a state of the union. The federal government and all of its possessions and territories are <u>not</u> collectively a "nation". The "country" called the "United States*" is a "nation", but our federal government and its territories and possessions are <u>not</u> collectively a "nation".	1. <i>Chisholm v. Georgia</i> , 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) 2. Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176 under "National Government". 3. <i>Hooven and Allison Co. v. Evatt</i> , 324 U.S. 652 (1945).	The "United States*** of America" is a "federation" and not a "nation". Consequently, the government is called a "federal government" rather than a "national government". See section 4.5 of <i>Great IRS Hoax</i> , Form #11.302 for further explanation.
2	"national"	Everywhere	"national" is a person owing allegiance to a state	1. 8 U.S.C. §1101(a)(21).	
3	"non-citizen National"	Everywhere	"non-citizen national" is a person born in a federal possession.	1. 8 U.S.C. §1408. 2. 8 U.S.C. §1101(a)(22)(B). 3. 8 U.S.C. §1452. 4. 8 U.S.C. §1101(a)(22). 5. <a href="#">3C Am.Jur.2d. §2732-2752</a> : Noncitizen nationality (1999)	We could find no mention of the term "U.S. national" by the Supreme Court. We were told that this term was first introduced into federal statutes in the 1930's.
4	"naturalization"	Everywhere	The process of conferring <u>nationality</u> and " <u>national</u> " status <u>only</u> , but not "U.S. citizen" status.	1. 8 U.S.C. §1101(a)(23): "The term "naturalization" means the conferring of <u>nationality</u> [NOT "citizenship" or "U.S. citizenship", but "nationality", which means " <u>national</u> " of a <u>state</u> [of the union] upon a person after birth, by any means whatsoever." 2. Black's Law Dictionary, Sixth Edition, p. 1063 under "naturalization".	The U.S. Citizenship and Immigration Services (U.S.C.I.S.) is responsible for naturalization in the United States*** of America. Their "Application for naturalization", Form N-400, only uses the term "U.S. citizen" and <u>never</u> mentions "national". On this form, the term "U.S. citizen" must therefore mean "national" in the context of this form based on the definition of "naturalization", but you can't tell because the form doesn't refer to a definition of what "U.S. citizen" means.
5	"expatriation"	Everywhere	"The voluntary renunciation or abandonment of <u>nationality</u> [not "U.S. citizenship" or "citizen of the United States***" status] and allegiance."	1. <i>Perkins v. Elg</i> , <a href="#">307 U.S. 325</a> , 59 S.Ct. 884, 83 L.Ed. 1320 (1939) 2. 8 U.S.C. §1401. 3. 8 U.S.C. §1101(a)(22).	Renouncing one's statutory "citizen of the United States*" status and reverting to a "national of the United States of America" is not "expatriation", because both "citizens of the United States*" and "nationals but not citizens" are "nationals of the United States*" under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22).

#	Term	Context	Meaning	Authorities	Notes
6	"citizenship"	Everywhere	Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction.	<ol style="list-style-type: none"> <li>1. <i>Perkins v. Elg</i>, <a href="#">307 U.S. 325</a>, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)</li> <li>2. 8 U.S.C.A. §1401, Notes. See note 1 below.</li> <li>3. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)</li> <li>4. <a href="#">3C American Jurisprudence 2d, Aliens and Citizens, §2732-2752</a>: Noncitizen nationality (1999)</li> </ol>	<p><i>Perkins v. Elg</i>, 307 U.S. 325 (1939) says: "<b>To cause a loss of citizenship in the absence of treaty or statute having that effect, there must be a voluntary action and such action cannot be attributed to an infant whose removal to another country is beyond his control and who during minority is incapable of a binding choice. By the Act of July 27, 1868, Congress declared that 'the right of expatriation is a natural and inherent right of all people'. Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.</b>" This implies that "loss of citizenship" and "expatriation", which is "loss of nationality" are equivalent.</p> <p><i>Slaughter-House Cases</i>, 83 U.S. 36 (1873) says: "The next observation is more important in view of the arguments of counsel in the present case. <b>It is that the distinction between citizenship of the United States[***] and citizenship of a state is clearly recognized and established [by the Fourteenth Amendment].</b> Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. <b>He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union.</b></p> <p>"It is quite clear, then, that there is a citizenship [nationality] of the United States[***], and a citizenship [nationality] of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual."</p>



#	Term	Context	Meaning	Authorities	Notes
7	“citizen” used <u>alone</u> and without the term “U.S.***” in front or “of the United States***” after it	1. U.S.*** Constitution 2. U.S.** Supreme Court rulings	A “national of the United States**” in the context of federal statutes or a “citizen of the United States***” in the context of the Constitution or state statutes unless specifically identified otherwise.	1. See <i>Minor v. Happersett</i> , 88 U.S. 162 (1874): <u><i>Citizen is now more commonly employed, however, and as it has been considered better suited to the description of one living under a republican government, it was adopted by nearly all of the States upon their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the Constitution of the United States[***]. When used in this sense it is understood as conveying the idea of membership of a nation, and nothing more.</i></u> [Minor v. Happersett, <a href="#">88 U.S. 162</a> (1874)] 2. See also <i>Boyd v. Nebraska</i> , 143 U.S. 135 (1892), which says: “The words ‘people of the United States[***]’ and ‘citizens,’ are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. They are what we familiarly call the ‘sovereign people,’ and every citizen is one of this people, and a constituent member of this sovereignty. ...” [Boyd v. State of Nebraska, <a href="#">143 U.S. 135</a> (1892)]	1. To figure this out, you have to look up federal court cases that use the terms “expatriation” and “naturalization” along with the term “citizen” and use the context to prove the meaning to yourself. 2. In 26 C.F.R. § 1.1-1, the term “citizen” as used means “U.S. citizen” rather than “national”. The opposite is true of Title 8 of the U.S.C. and most federal court rulings. This is because of the definition of “United States***” within Subtitle A of the Internal Revenue Code, which means the <u>federal zone only</u> .
8	“citizen” used <u>alone</u> and without the term “U.S.***” in front or “of the United States***” after it	State statutes	Person with a legal domicile within the exclusive jurisdiction of a state of the Union who is NOT a “citizen” under federal statutory law.	<u>The Law of Nations</u> , Vattel, Book I, Section 212.	Because states are “nations” under the law of nations and have police powers and exclusive legislative jurisdiction within their borders, then virtually all of their legislation is directed toward their own citizens exclusively. See section 4.8 of the <u>Great IRS Hoax</u> , Form #11.302 earlier for further details on “police powers”.
9	“citizen” used <u>alone</u> and without the term “U.S.***” in front or “of the United States***” after it	Federal statutes including Title 26, the Internal Revenue Code and Title 8, Aliens and Nationality	Not defined anywhere in Title 8. Persons with a legal domicile within the jurisdiction of a sovereign and who were born SOMEWHERE within the country, although not necessarily within that specific jurisdiction.	1. Defined in 26 C.F.R. §31.3121(e)-1. See Note 2.	This term is <u>never defined</u> anywhere in Title 8 but it is defined in 26 C.F.R. §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms <u>also</u> don’t define the meaning of the term nor do they equate it to either “national” or “citizen of the United States***”. The person filling out the form therefore <u>must</u> define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a “citizen of the United States***” under section 1 of the 14 <sup>th</sup> Amendment.
10	“United States citizenship”	Everywhere	The status of being a “national”. Note that the term “U.S. citizen” looks similar but not identical and is <u>not</u> the same as this term, and this is especially true on federal forms.	See “citizenship”.	Same as “citizenship”.

#	Term	Context	Meaning	Authorities	Notes
11	"citizens of the United States"	Everywhere	A collection of people who are "nationals" and who in most cases are not a "citizen of the United States**" or a "U.S.** citizen" under "Acts of Congress" or federal statutes unless at some point after becoming "nationals", they incorrectly declared their status to be a "citizen of the United States**" under 8 U.S.C. §1401 or changed their domicile to federal territory.	See "citizenship".	Note that the definition of "citizen of the United States" and "citizens of the United States" are different.
12	"citizen of the United States**"	Federal statutes	Persons with a legal domicile on federal territory that is no part of the exclusive jurisdiction of any state of the Union. Born SOMEWHERE within the country, although not necessarily within that specific jurisdiction.	<ol style="list-style-type: none"> <li>1. 8 U.S.C.A. §1401.</li> <li>2. 3C AmJur.2d §2689 ("U.S. citizen").</li> <li>3. 26 C.F.R. §31.3121(e)-1.</li> <li>4. <i>United States v. Wong Kim Ark</i>, 169 U.S. 649; 18 S.Ct. 456; 42 L.Ed. 890 (1898)</li> <li>5. <i>Cumard S.S. Co. v. Mellon</i>, 262 U.S. 100, 43 S.Ct. 504 (1923)</li> </ol>	Term "United States**" in federal statutes is defined as federal zone so a "citizen of the United States**" is a citizen of the federal zone only. According to the U.S. Supreme Court in the <i>Slaughter-House Cases</i> , 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873), this term was <u>not</u> defined before the ratification of the Fourteenth Amendment in 1868. Section 1 of the 14 <sup>th</sup> Amendment established the circumstances under which a person was a "citizen of the United States**". Note that the terms "citizens of the United States" and "citizen of the United States" are nowhere made equivalent in Title 8, and we define "citizens of the United States" above differently.
13	"citizen of the United States****"	State statutes U.S. Supreme Court Constitution	Person who maintains a legal domicile within the exclusive jurisdiction of a state of the Union. A "national" as defined in 8 U.S.C. §1101(a)(21).	<ol style="list-style-type: none"> <li>1. 8 U.S.C. §1101(a)(21).</li> <li>2. <i>Perkins v. Elg</i>, 307 U.S. 325 (1939)</li> <li>3. 8 U.S.C. §1421.</li> <li>4. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)</li> <li>5. 3C American Jurisprudence 2d, <i>Aliens and Citizens</i>, §2732-2752 (1999): Noncitizen nationality</li> </ol>	8 U.S.C.A. §1401 notes indicates: " <i>The basis of citizenship in the United States[**] is the English doctrine under which <u>nationality</u> meant birth within allegiance to the king.</i> "
14	"citizen of the Union"	Everywhere	A "national of the United States****" or a "national"	<ol style="list-style-type: none"> <li>1. <i>Slaughter-House Cases</i>, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)</li> </ol>	" <i>Slaughter-House Cases</i> , 83 U.S. 36 (1873) says: "The next observation is more important in view of the arguments of counsel in the present case. <b>It is that the distinction between citizenship of the United States[**] and citizenship of a state is clearly recognized and established [by the Fourteenth Amendment].</b> Not only may a man be a citizen of the United States[***] without being a citizen of a state, but an important element is necessary to convert the former into the latter. <b>He must reside within the state to make him a citizen of it but it is not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union.</b> "

#	Term	Context	Meaning	Authorities	Notes
15	"U.S. citizen"	Title 26: Internal Revenue Code (which is a federal statute or "act of Congress)	Not defined anywhere in Title 8 that we could find. Defined in 26 C.F.R. §31.3121(e)-1, and there it means a person with a domicile on federal territory that is not part of the exclusive jurisdiction of any state of the Union.	1. Defined in 26 C.F.R. §31.3121(e)-1. See Note 2.	This term is <b><i>never defined</i></b> anywhere in Title 8 but it is defined in 26 C.F.R. §31.3121(e)-1. You will see it most often on government passport applications, voter registration, and applications for naturalization. These forms <b><i>also</i></b> don't define the meaning of the term nor do they equate it to either "national" or "citizen of the United States***". The person filling out the form therefore <b><i>must</i></b> define it himself on the form to eliminate the ambiguity or be presumed incorrectly to be a "citizen of the United States****" under section 1 of the 14 <sup>th</sup> Amendment.

#### NOTES FROM THE ABOVE TABLE:

1. 8 U.S.C.A. §1401 under "Notes", says the following:

*"The right of citizenship, as distinguished from alienage, is a national right or condition, and it pertains to the confederated sovereignty, the United States[\*\*], and not to the individual states. Lynch v. Clarke, N.Y.1844, 1 Sandf.Ch. 583"*

*"By 'citizen of the state' is meant a citizen of the United States[\*\*] whose domicile is in such state. Prowd v. Gore, 1922, 207 P. 490, 57 Cal.App. 458"*

*"One who becomes citizen of United States[\*\*] by reason of birth retains it, even though by law of another country he is also citizen of it."*

*"The basis of citizenship in the United States[\*\*] is the English doctrine under which **nationality** meant birth within allegiance to the king."*

2. 26 C.F.R. §31.3121(e)-1 defines "U.S. citizen" as follows:

[26 C.F.R. 31.3121\(e\)-1 State, United States\[\\*\\*\], and citizen.](#)

*(b)...The term 'citizen of the United States[\*\*]' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.*

We put the term “U.S. citizen” last in the above table because we would now like to expand upon it. We surveyed the election laws of all 50 states to determine which states require persons to be either “U.S. citizens” or “citizen of the United States” in order to vote. The results of our study are found on our website below at:

<http://famguardian.org/Subjects/LawAndGovt/Citizenship/PoliticalRightsvCitizenshipByState.htm>

### 15.5 State statutory civil definitions of “U.S. citizen”

If you look through all the state statutes on voting above, you will find that only California, Indiana, Texas, Virginia, and Wisconsin require you to be either a “U.S. citizen” or a “United States citizen” in order to vote, and none of these five states even define in their election code what these terms mean! 26 other states require you to be a “citizen of the United States” and don’t define that term in their election code either! This means that a total of 31 of the 50 states positively require some type of citizenship related to the term “United States” in order to be eligible to vote and none of them define which of the three “United States” they mean. Because none of the state election laws define the term, then the legal dictionary definition applies.

### 15.6 Legal definition of “citizen”

We looked in Black’s Law Dictionary, Sixth Edition and found no definition for either “U.S. citizen” or “citizen of the United States”. Therefore, we must rely only on the common definition rather than any legal definition. We then looked for “U.S. citizen” or “citizen of the United States” in Webster’s Dictionary and they weren’t defined there either. Then we looked for the term “citizen” and found the following interesting definition in Webster’s:

*“citizen. 1: an inhabitant of a city or town; esp.: one entitled to the rights and privileges of a freeman. 2 a: a member of a state b: a native or naturalized person who owes allegiance to a government and is entitled to protection from it 3: a civilian as distinguished from a specialized servant of the state—citizenry*

*syn CITIZEN, SUBJECT, NATIONAL mean a person owing allegiance to and entitled to the protection of a sovereign state. CITIZEN is preferred for one owing allegiance to a state in which sovereign power is retained by the people and sharing in the political rights of those people; SUBJECT implies allegiance to a personal sovereign such as a monarch; NATIONAL designates one who may claim the protection of a state and applies esp. to one living or traveling outside that state.”*

*[Webster’s Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 243]*

Note in the above that the key to being a citizen under definition 2(b) is the requirement for allegiance implying political rather than civil status. The only federal citizenship status that uses the term “allegiance” is that of a “national” as defined in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1101(a)(22)(B) respectively. Consequently, we are forced to conclude that the generic term “citizen” and the statutory definition of “national” in 8 U.S.C. §1101(a)(22) are equivalent from a federal perspective.

We also looked up the term “citizen” in Black’s Law Dictionary, Sixth Edition and found the following:

*“citizen. One who, under the Constitution and laws of the United States[\*\*\*], or of a particular state, is a member of the political community, owing allegiance and being entitled to the enjoyment of full civil rights. All persons born or naturalized in the United States[\*\*\*], and subject to the jurisdiction thereof, are citizens of the United States[\*\*\*] and of the state wherein they reside. U.S. Const., 14th Amend. See Citizenship.*

*“Citizens” are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government for the promotion of their general welfare and the protection of their individual as well as collective rights. Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.*

*The term may include or apply to children of alien parents from in United States[\*\*\*], Von Schwerdmer v. Piper, D.C.Md., 23 F.2d. 862, 863; U.S. v. Minoru Yasui, D.C.Or., 48 F.Supp. 40, 54; children of American citizens born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22; Indians, United States v. Hester, C.C.A.Okl., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank of California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States[\*\*] nor a state is a*

citizen for purposes of diversity jurisdiction. *Jizemerjian v. Dept of Air Force*, 457 F.Supp. 820. On the other hand, municipalities and other local governments are deemed to be citizens. *Rieser v. District of Columbia*, 563 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth Amendment. *D.D.B. Realty Corp. v. Merrill*, 232 F.Supp. 629, 637.

Under diversity statute [28 U.S.C. §1332], which mirrors U.S. Const. Article III's diversity clause, a person is a "citizen of a state" if he or she is a citizen of the United States[\*\*\*] and a domiciliary of a state of the United States[\*\*\*]. *Gibbons v. Udaras na Gaeltachta*, D.C.N.Y., 549 F.Supp. 1094, 1116. [Black's Law Dictionary, Sixth Edition, p. 244]

So the key requirement to be a "citizen" is to "owe allegiance" to a political community according to Black's Law Dictionary. Under 26 U.S.C. §1101(a)(21), one can "owe allegiance" to the "United States[\*\*\*]" as a political community only by being a "national" without being a STATUTORY civil "U.S.\*\* citizen[\*\*+DD]" or a "citizen[\*\*+D] of the United States[\*\*]" as defined in 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A). Therefore, we must conclude once again, that "citizen of the United States\*\*" status under federal statutes, is a political privilege that few people are born into and most acquire by mistake or fraud or both. Most of us are "nationals" by birth and we volunteer to become territorial political "citizens\* of the United States[\*\*]" under 8 U.S.C. §1401 by lying at worst or committing a mistake at best when we fill out government forms. That process of misrepresenting our citizenship status is how we "volunteer" to become "U.S. citizens" subject to federal statutes, and of course our covetous government is more than willing to overlook the mistake because that is how they manufacture "taxpayers" and make people "subject" to their corrupt laws. Remember, however, what the term "subject" means from Webster's above under the definition of the term "citizen":

"SUBJECT implies allegiance to a personal [earthly] sovereign such as a monarch." [Webster's Ninth New Collegiate Dictionary, 1983, ISBN 0-87779-510-X, p. 243]

Therefore, to be "subject" to the federal government's legislation and statutes and "Acts of Congress" is to be subservient to them, which means that you voluntarily gave up your sovereignty and recognized that they have now become your "monarch" and you are their "servant". You have turned the Natural Order and hierarchy of sovereignty described in section 4.1 of the Great IRS Hoax, Form #11.302 upside down and made yourself into a voluntary slave, which violates of the Thirteenth Amendment if your consent in so doing was not fully informed and the government didn't apprise you of the rights that you were voluntarily giving up by becoming a "citizen of the United States\*\*".

"Waivers of Constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences." [Brady v. U.S., 397 U.S. 742 (1970)]

## 15.7 The architect of our present government system, Montesquieu, predicted this deception, corruption, and confusion of contexts

It will interest the reader to know that the deliberate confusion and deception between nationality and domicile and between CONSTITUTIONAL citizens and STATUTORY citizens respectively was predicted by the architect who designed our present system of republican government with its separation of powers. He said that the main way the system could be corrupted would be to place everyone under the POLITICAL law, which he describes as law for the INTERNAL affairs of the government only.

Within our republican government, the founding fathers recognized three classes of law:

1. Criminal law. Protects both PUBLIC and PRIVATE rights.
2. Civil law. Protects exclusively PRIVATE rights.
3. Political law. Protects exclusively PUBLIC rights of public officers and offices within the government.

The above three types of law were identified in the following document upon which the founding fathers wrote the constitution and based the design of our republican form of government:

The Spirit of Laws, Charles de Montesquieu, 1758  
SOURCE: <http://famguardian.org/Publications/SpiritOfLaws/sol.htm>

Montesquieu defines "political law" and "political liberty" as follows:



1 I. A general Idea.

2 I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those  
3 by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall  
4 examine in the next.

5 [The Spirit of Laws, Charles de Montesquieu, Book XI, Section 1, 1758;

6 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

7 The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the  
8 government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning  
9 rights possessed and owned exclusively by the government ONLY.

10 “And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom  
11 under our system all political power and sovereignty primarily resides, and through whom such power and  
12 sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial  
13 agencies which it created exercise such political authority as they have been permitted to possess. The  
14 Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible.  
15 ‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish!  
16 These are definite words of enactment, and without more would stamp what follows with the dignity and character  
17 of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided  
18 explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ...  
19 shall be the supreme Law of the Land.’ (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus  
20 declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is  
21 not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal,  
22 clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required  
23 to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must  
24 apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the  
25 discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great  
26 weight, Adkins v. Children’s Hospital, 261 U.S. 525, 544, 43 S.Ct. 394, 24 A.L.R. 1238; but their opinion, or the  
27 court’s opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry.  
28 Schechter Poultry Corp. v. United States, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97 A.L.R. 947. “  
29 [Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

30 The vast majority of laws passed by Congress are what Montesquieu calls “political law” that is intended exclusively for the  
31 government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2  
32 of the United States Constitution. To wit:

33 United States Constitution  
34 Article 4, Section 3, Clause 2d

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

38 The only areas where POLITICAL law and CIVIL law overlap is in the exercise of the political rights to vote and serve on  
39 jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1):

40 TITLE 18 > PART I > CHAPTER 11 > § 201  
41 § 201. Bribery of public officials and witnesses

42 (a) For the purpose of this section—

43 (1) the term “public official” means Member of Congress, Delegate, or Resident Commissioner, either before or  
44 after such official has qualified, or an officer or employee or person acting for or on behalf of the United States,  
45 or any department, agency or branch of Government thereof, including the District of Columbia, in any official  
46 function, under or by authority of any such department, agency, or branch of Government, or a juror;

47 However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are  
48 NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all  
49 statutory “Taxpayers” are public offices in the government.

50 Tax laws, for instance, are “political law” exclusively for the government or public officer and not the private citizen. Why?  
51 Because:

1. The U.S. Supreme Court identified taxes as a “political matter”. “Political law”, “political questions”, and “political matters” cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated by the Legislative and not Judicial branch:

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

2. The U.S. Tax Court:
- 2.1. Is an Article I Court in the LEGISLATIVE and not JUDICIAL branch, and hence, can only officiate over matters INTERNAL to the government. See 26 U.S.C. §7441.
  - 2.2. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Legislative branch.
  - 2.3. Is limited to the District of Columbia because all public offices are limited to be exercised there per 4 U.S.C. §72. It travels all over the country, but this is done ILLEGALLY and in violation of the separation of powers.
3. The activity subject to excise taxation is limited exclusively to “public offices” in the government, which is what a “trade or business” is statutorily defined as in 26 U.S.C. §7701(a)(26).

[26 U.S.C. §7701](#)

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

(26) trade or business

"The term 'trade or business' [includes](#) the performance of the functions of a [public office](#)."

In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the PRIVATE citizen or made to “appear” as though they are “civil law” that applies to everyone:

*The Spirit of Laws, Book XXVI, Section 15*

*15. That we should not regulate by the Principles of political Law those Things which depend on the Principles of civil Law.*

*As men have given up their natural independence to live under political laws, they have given up the natural community of goods to live under civil laws.*

*By the first, they acquired [PUBLIC] liberty; by the second, [PRIVATE] property. We should not decide by the laws of [PUBLIC] liberty, which, as we have already said, is only the government of the community, what ought to be decided by the laws concerning [PRIVATE] property. It is a paralogism to say that the good of the individual should give way to that of the public; this can never take place, except when the government of the community, or, in other words, the liberty of the subject is concerned; this does not affect such cases as relate to private property, because the public good consists in every one's having his property, which was given him by the civil laws, invariably preserved.*

*Cicero maintains that the Agrarian laws were unjust; because the community was established with no other view than that every one might be able to preserve his property.*

*Let us, therefore, lay down a certain maxim, that whenever the public good happens to be the matter in question, it is not for the advantage of the public to deprive an individual of his property, or even to retrench the least part of it by a law, or a political regulation. In this case we should follow the rigour of the civil law, which is the Palladium of [PRIVATE] property.*

*Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every individual as the whole community.*

1 If the political magistrate would erect a public edifice, or make a new road, he must indemnify those who are  
2 injured by it; the public is in this respect like an individual who treats with an individual. It is fully enough that  
3 it can oblige a citizen to sell his inheritance, and that it can strip him of this great privilege which he holds from  
4 the civil law, the not being forced to alienate his possessions.

5 After the nations which subverted the Roman empire had abused their very conquests, the spirit of liberty called  
6 them back to that of equity. They exercised the most barbarous laws with moderation: and if any one should doubt  
7 the truth of this, he need only read Beaumanoir's admirable work on jurisprudence, written in the twelfth century.

8 They mended the highways in his time as we do at present. He says, that when a highway could not be repaired,  
9 they made a new one as near the old as possible; but indemnified the proprietors at the expense of those who  
10 reaped any advantage from the road.<sup>43</sup> They determined at that time by the civil law; in our days, we determine  
11 by the law of politics.

12 [*The Spirit of Laws*, Charles de Montesquieu, Book XXVI, Section 15, 1758;

13 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm#001](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001)]

14 What Montesquieu is implying is what we have been saying all along, and he said it in 1758, which was even before the  
15 Declaration of Independence was written:

- 16 1. The purpose of establishing government is exclusively to protect PRIVATE rights.  
17 2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

18 *“Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of*  
19 *political law; it is here that the civil law ought to triumph, which, with the eyes of a mother, regards every*  
20 *individual as the whole community.”*

- 21 3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the  
22 CIVIL law.  
23 4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being  
24 used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

25 Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present [de](#)  
26 [facto government](#), tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their  
27 consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to unconstitutional THEFT  
28 and CONFISCATION of otherwise PRIVATE property without compensation by enforcing PUBLIC law against PRIVATE  
29 people.

30 The way that the corrupt politicians have implemented the corruption described by Montesquieu was that they:

- 31 1. Make people born or domiciled in the territories into privileged public officers and franchisees.

32 *“Is it a franchise? A franchise is said to be a right reserved to the people by the constitution, as the elective*  
33 *franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more*  
34 *individuals, as a public office.* Corporations, or bodies politic are the most usual franchises known to our laws.  
35 In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An  
36 information will lie in many cases growing out of these grants, especially where corporations are concerned, as  
37 by the statute of 9 Anne, ch. 20, and in which the public have an interest. In 1 Strange R. ( *The King v. Sir William*  
38 *Louther*,) it was held that an information of this kind did not lie in the case of private rights, where no franchise  
39 of the crown has been invaded.

40 *If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a*  
41 *franchise--in this country, under our institutions, a privilege or immunity of a public nature, which could not be*  
42 *exercised without a legislative grant, would also be a franchise.”*

43 [*People v. Ridgley*, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859) ]

- 44 2. Give these PRIVILEGED territorial people a name of “U.S. citizen” or “U.S. resident”.  
45 3. Confuse the CONSTITUTIONAL “United States\*\*\*\*” with the STATUTORY “United States\*\*” in their statutes,  
46 forms, and court rulings by refusing to distinguish them. This allowed them to:  
47 3.1. Conduct their war on private property and private rights under the COLOR of law, but without the actual  
48 AUTHORITY of law.  
49 3.2. Claim ignorance when the confusion was revealed.  
50 3.3. Protect their plausible deniability.

4. Call people in states of the Union the SAME NAME as that of PRIVILEGED people in the territories on government forms, so that they could deceive them into believing that they are public officers in the government.
5. Impose whatever obligations, including tax obligations, that they want upon these privileged franchisees.

#### **15.8     The methods of deceit and coercion on the citizenship issue in government agencies**

Most people are ILLEGALLY and CRIMINALLY DECEIVED and COMPELLED by covetous public servants to become STATUTORY citizens or residents even though they are TECHNICALLY not allowed to and it is a CRIME to do so. This process is done by the following devious means:

1. Asking you if you are a “citizen” or “resident” on a government form or in person but not defining the context: CONSTITUTIONAL or STATUTORY.
2. When you hear their question about your STATUS, your ignorance of the law causes you to PRESUME they mean “citizen” or “resident” in a POLITICAL or CONSTITUTIONAL context.
3. When you say “yes”, they will self-servingly and ILLEGALLY PRESUME that the STATUTORY and CIVIL context applies rather than the POLITICAL or CONSTITUTIONAL context.
  - 3.1. WARNING: The CONSTITUTIONAL/POLITICAL context and the STATUTORY/CIVIL contexts are MUTUALLY exclusive and NOT equivalent!
  - 3.2. A CONSTITUTIONAL/POLITICAL “citizen[\*] of the United States[\*\*\*]” is a “national of the United States[\*\*\*] of America” but is not a STATUTORY/CIVIL “citizen” under 8 U.S.C. §1401.
  - 3.3. The term “citizen[\*] of the United States[\*\*]” used in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) is a STATUTORY citizen because “citizen” in statutes is always geographical and tied to domicile.
  - 3.4. The CIVIL “citizen[\*\*+D] of the United States[\*\*]” used in other titles of the U.S. Code including Title 26 (income tax), Title 42 (Social Security and Medicare) relates to DOMICILE rather than NATIONALITY and is a CIVIL/STATUTORY status. Both of these titles are CIVIL franchises that have DOMICILE on federal territory not within a state as a prerequisite.
4. Hence, with a simple presumption fostered by legal ignorance on both YOUR part and on the part of the government clerk accepting your application or form, you have often UNWITTINGLY AND ILLEGALLY TRANSITIONED from being a CONSTITUTIONAL citizen to a STATUTORY citizen domiciled on federal territory! WATCH OUT!
5. The presumptions which foster this illegal transition are a CRIMINAL offence, because:
  - 5.1. The civil status of “citizen[\*\*+D]” is an office in the U.S. government, as we will show.
  - 5.2. It is a crime to impersonate a public officer in violation of 18 U.S.C. §911.
  - 5.3. It is a crime to impersonate a “U.S. citizen” in violation of 18 U.S.C. §912.
6. The presumptions which foster this illegal transition are also a violation of due process of law, because conclusive presumptions undermine constitutional rights violate due process of law:

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

*A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a party's due process and equal protection rights.** [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process] [Federal Civil Trials and Evidence (2005), Rutter Group, paragraph 8:4993, p. 8K-34]*

7. This ILLEGAL and CRIMINAL tactic is abused in almost all most government offices, including:
  - 7.1. In federal court.
  - 7.2. Department of Motor Vehicles on the application for a driver license.
  - 7.3. Social Security Administration Form SS-5.
  - 7.4. Voter registration at the country registrar of voters.
  - 7.5. Application for a United States of America Passport, Department of State Form DS-11.
  - 7.6. United States Citizenship and Immigration Services form I-9.
8. The reason they are using this devious and deceptive tactic is because they know that:
  - 8.1. A “citizen” is defined as someone who has “voluntarily submitted himself” to the LAWS and thereby become a CIVIL “subject”. YOU HAVE TO VOLUNTEER AND CONSENT!
  - 8.2. They know they need your CONSENT and PERMISSION to transition from a CONSTITUTIONAL citizen to a STATUTORY citizen and therefore “subject”.

- 8.3. They don't want to ask for your consent DIRECTLY because that would imply that you have the right to NOT consent. If you said NO, their whole SCAM of ruling OVER you would be busted and people would quit in droves. They therefore have to be very INDIRECT about it.
- 8.4. CONSENT and PERMISSION is implied if they ask you your status AND you say you HAVE that STATUS. You cannot acquire or maintain ANY civil status without your at least IMPLIED consent. See:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008  
<http://sedm.org/Forms/FormIndex.htm>

9. We call this process what it is:
- 9.1. Criminal kidnapping of your legal identity.
  - 9.2. Criminal identity theft.
  - 9.3. Criminally impersonating a public officer.
  - 9.4. Constructive fraud.

*"Fraud in its elementary common law sense of deceit -- and this is one of the meanings that fraud bears [483 U.S. 372] in the statute, see United States v. Dial, 757 F.2d. 163, 168 (7th Cir.1985) -- includes the deliberate concealment of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public, including, in the case of a judge, the litigants who appear before him, and if he deliberately conceals material information from them, he is guilty of fraud. When a judge is busily soliciting loans from counsel to one party, and not telling the opposing counsel (let alone the public), he is concealing material information in violation of his fiduciary obligations."*  
*[McNally v. United States, 483 U.S. 350 (1987)]*

10. Government agencies: They abuse these ILLEGAL and CRIMINAL tactics as well. They do so by the following means:
- 10.1. Ensure that their employees are not schooled in the law so that they will not realize that they are PAWNS in a game to enslave all Americans, and that "compartmentalization" is being used to ensure they don't know more than they need to know to do their job.
  - 10.2. Dismiss or FIRE employees who read the law and discover these tactics. Case in point is IRS criminal investigator Joe Banister, who discovered these tactics, exposed them and asked the agency to STOP them. He was asked to resign rather than the IRS fixing this criminal activity.
  - 10.3. PRESUME that ALL of the four contexts for "United States" are equivalent.
  - 10.4. Tell the public that their publications are "general" in nature and should not be relied upon. Keep in mind that a FRAUDSTER always deals in GENERALS, and the "general" context is the CONSTITUTIONAL context. Yet, even though you ASSUME the government is ALSO using the CONSTITUTIONAL context, they do the SWITCHEROO and ASSUME the OPPOSITE, which is the STATUTORY context when processing the form they handed you.
  - 10.5. Publish deceptive government publications that are in deliberate conflict with what the statutes define "United States" as and then tell the public that they CANNOT rely on the publication. The [IRS does this with ALL of their publications](#) and it is FRAUD. See:

*Reasonable Belief About Income Tax Liability*, Form #05.007  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

- 10.6. Using the word "United States" as meaning the government, as in the Internal Revenue Code, Subtitle A, but deceiving the reader into thinking that it REALLY means the CONSTITUTIONAL United States. See:

*Non-Resident Non-Person Position*, Form #05.020, Section 4  
<http://sedm.org/Forms/FormIndex.htm>

- 10.7. Not explaining WHICH of the two contexts apply on government forms but presuming the Statutory context ONLY.
- 10.8. Refusing to accept attachments to government forms that clarify the meaning of all terms on forms so as to:
- 10.8.1. Delegate undue discretion to judges and bureaucrats to PRESUME the statutory context.
  - 10.8.2. Add things to the meaning of words that do not expressly appear in the law.
- 10.9. Refusing to define the LEGAL meaning of the terms used on government forms.
- 10.10. Confusing a "federal government" with a "national government", removing the definitions of these two words entirely from the dictionary, or refusing in a court setting to discuss the differences.

*"NATIONAL GOVERNMENT. The government of a whole nation, as distinguished from that of a local or territorial division of the nation, and also as distinguished from that of a league or confederation.*



1 "A national government is a government of the people of a single state or nation, united as a community by what  
2 is termed the "social compact," and possessing complete and perfect supremacy over persons and things, so far  
3 as they can be made the lawful objects of civil government. A federal government is distinguished from a  
4 national government by its being the government of a community of independent and sovereign states, united  
5 by compact." Piqua Branch Bank v. Knoup, 6 Ohio.St. 393."  
6 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176]  
7

8 **"FEDERAL GOVERNMENT.** The system of government administered in a state formed by the union or  
9 confederation of several independent or quasi independent states; also the composite state so formed.

10 In strict usage, there is a distinction between a confederation and a federal government. The former term denotes  
11 a league or permanent alliance between several states, each of which is fully sovereign and independent, and  
12 each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a  
13 controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the  
14 component states are the units, with respect to the confederation, and the central government acts upon them,  
15 not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-  
16 not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty  
17 with respect to the administration of their purely local concerns, but so that the central power is erected into a  
18 true state or nation, possessing sovereignty both external and internal, while the administration of national  
19 affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all,  
20 in their collective capacity, as citizens of the nation. The distinction is expressed, by the German writers, by the  
21 use of the two words "Staatenbund" and "Bundesstaat;" the former denoting a league or confederation of states,  
22 and the latter a federal government, or state formed by means of a league or confederation."  
23 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

- 24 10.11. Making unconstitutional and prejudicial presumptions about the status of people that connects them with  
25 government franchises without their consent or even their knowledge, in some cases. See:

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

- 26 11. Courts and lawyers: Courts and lawyers ESPECIALLY have refined this process to a fine art by abusing "legalese" and  
27 words of art. They do this through the following very specific tactics in the courtroom.

- 28 11.1. Prevent jurists from reading the law to discover these tactics. Most federal courthouses forbid jurors serving on  
29 duty to enter their law libraries if they have one. Thus, the judge is enabled to insist that HE is the "source of  
30 law" and that what he says is law. He thereby substitutes his will for what the law says, and prevents anyone  
31 from knowing that what he SAYS the law requires is DIFFERENT from what it ACTUALLY says.

- 32 11.2. PRESUME that ALL of the four contexts for "United States" are equivalent.

- 33 11.3. Confusing the Statutory context with the Constitutional context for geographical words of art when these two  
34 contexts are NOT equivalent and in fact are mutually exclusive contexts. Terms this trick is applied to include:

35 11.3.1. "United States" in 26 U.S.C. §7701(a)(9).

36 11.3.2. "State" in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d).

37 11.3.3. "U.S.[\*\*] person" in 26 U.S.C. §7701(a)(30).

38 11.3.4. "U.S.[\*] citizen[\*]" or "citizen[\*] of the United States[\*\*]" in 8 U.S.C. §1401, 26 U.S.C. §3121(e), and  
39 26 C.F.R. §1.1-1.

40 11.3.5. "U.S.[\*\*] resident" in 26 U.S.C. §7701(b)(4).

- 41 11.4. PRESUME that CONSTITUTIONAL citizens[\*] and STATUTORY CIVIL citizens[\*\*+D] are EQUIVALENT  
42 under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal law and NOT  
43 a STATUTORY "national and citizen of the United States\*\* at birth" per 8 U.S.C. §1401.

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

- 44 11.5. PRESUME that "nationality" and "domicile" are equivalent. They are NOT. See:

Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 45 11.6. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two  
46 they mean in EVERY context.

- 47 11.7. Confuse the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For  
48 instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then  
49 FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

12. Abusing the words "includes" and "including" as a means of unlawfully adding things to the meanings of words that do not expressly appear and are therefore purposefully excluded per the Rules of Statutory Construction and Interpretation. Such words include:
- 12.1. "taxpayer" in 26 U.S.C. §7701(a)(14).
  - 12.2. "trade or business" in 26 U.S.C. §7701(a)(26). Means "the functions of a public office" and excludes activities of PRIVATE human beings or private entities.
  - 12.3. "State"
  - 12.4. "Employer" in 26 U.S.C. §3401(d). Means a government agency which a public officer works for, and not a private company.
  - 12.5. "Employee" in 26 U.S.C. §3401(c). Means a public officer in the U.S. and not state government and not private human beings per 5 U.S.C. §2105(a).
- For details on the unconstitutional and criminal abuse of language by the government, judges, and prosecutors, see:

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

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

- 12.6. Refusing to allow the jury to read the definitions in the law and then give them a definition that is in conflict with the statutory definition. This substitutes the JUDGES will for what the law expressly says and thereby substitutes PUBLIC POLICY for the written law.
- 12.7. Deliberately omitting or refusing to discuss or address any of the above types of abuses in litigation raised against the government in any court, or even penalizing those who raise these issues, and thereby:
- 12.7.1. Criminally obstructing justice.
  - 12.7.2. Engaging in organized crime and racketeering, which is committed daily by most federal judges.
  - 12.7.3. Engaging in criminal witness tampering against those who want to stop criminal activities by public servants. See 18 U.S.C. §1512.
13. When the above criminal tactics of public dis-servants are exposed as the FRAUD and CRIME that they are, the only thing the de facto thieves in government can do is:
- 13.1. Try to ignore the issue raised like you never said it.
  - 13.2. Hope you don't approach the grand jury and get them indicted for their crime.
  - 13.3. If you do, go after you with what we call "selective enforcement" as a way to defend themselves illegally.

## 15.9 How the deceit and compulsion is implemented in the courtroom

***"Shall the throne of iniquity [the judge's bench], which devises evil by [obfuscating the] law, have fellowship with You [Christians]? They gather together against the life of the righteous, and condemn innocent blood. But the Lord has been my defense, and my God the rock of my refuge. He has brought on them their own iniquity, and shall cut them off in their own wickedness; the Lord our God shall cut them off."***  
[Psalm 94:20-23, Bible, NKJV]

The U.S. Supreme Court indirectly identified the distinctions between the CONSTITUTIONAL and the STATUTORY contexts and how one transitions from being a Constitutional to a Statutory citizen in the following holdings. These holdings are important so you will recognize what happens to your standing in court when you switch from a CONSTITUTIONAL to a STATUTORY "citizen". That way you will recognize WHERE the court's jurisdiction is coming from: the CONSTITUTION or the STATUTES. The CONSTITUTION only deals with HUMANS and LAND while the STATUTES deal almost entirely with FRANCHISES and ARTIFICIAL creations of CONGRESS.

1. First the U.S. Supreme Court held that a corporation is NOT a "citizen" as used in the CONSTITUTION:

***"That by no sound or reasonable interpretation, can a corporation-a mere faculty in law, be transformed into a citizen, or treated as a citizen [within the Constitution]. 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article***

and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction."

[Rundle v. Delaware & Raritan Canal Co., 55 U.S. 80 (1852)]

2. But on the OTHER hand, they held that a corporation IS a "citizen\*\*+D" or "resident" under federal civil STATUTORY law.

"...it is well settled that a corporation created by a state is a citizen of the state, within the meaning of those provisions of the constitution and statutes of the United States which define the jurisdiction of the federal courts. Railroad Co. v. Railroad Co., 112 U.S. 414, 5 Sup.Ct.Rep. 208; Paul v. Virginia, 8 Wall. 168, 178; Pennsylvania v. Bridge Co., 13 How. 518."

[State of Wisconsin v. Pelican Insurance Co., 127 U.S. 265 (1888)]

3. The U.S. Supreme Court held that ONLY private HUMAN men and women can sue in a CONSTITUTIONAL court, not corporations:

"Aliens, or citizens of different states, are not less susceptible of these apprehensions, nor can they be supposed to be less the objects of constitutional provision, because they are allowed to sue by a corporate name. That name, indeed, cannot be an alien or a citizen; but the persons whom it represents may be the one or the other; and the controversy is, in fact and in law, between those persons suing in their corporate character, by their corporate name, for a corporate right, and the individual against whom the suit may be instituted. Substantially \*88 and essentially, the parties in such a case, where the members of the corporation are aliens, or citizens of a different state from the opposite party, come within the spirit and terms of the jurisdiction conferred by the constitution on the national tribunals."

[. . .]

If the constitution would authorize congress to give the courts of the union jurisdiction in this case, in consequence of the character of the members of the corporation, then the judicial act ought to be construed to give it. For the term citizen ought to be understood as it is used in the constitution, and as it is used in other laws. That is, to describe the real persons who come into court, in this case, under their corporate name.

That corporations composed of citizens are considered by the legislature as citizens, under certain [STATUTORY but not CONSTITUTIONAL] circumstances, is to be strongly inferred from the registering act. It never could be intended that an American registered vessel, abandoned to an insurance company composed of citizens, should lose her character as an American vessel; and yet this would be the consequence of declaring that the members of the corporation were, to every intent and purpose, out of view, and merged in the corporation.

The court feels itself authorized by the case in 12 Mod. on a question of jurisdiction, to look to 92\*92 the character of the individuals who compose the corporation, and they think that the precedents of this court, though they were not decisions on argument, ought not to be absolutely disregarded."

[Bank of United States v. Deveaux, 9 U.S. 61(1809)]

4. They also held that when a HUMAN or CONSTITUTIONAL "citizen[\*]" or "person" sues a corporation, then they have to sue SPECIFIC PEOPLE in the corporation instead of the whole corporation if the court is a CONSTITUTIONAL court rather than a STATUTORY FRANCHISE court:

It is important that the style and character of this party litigant, as well as the source and manner of its existence, be borne in mind, as both are deemed material in considering the question of the jurisdiction of this court, and of the Circuit Court. It is important, too, to be remembered, that the question here raised stands wholly unaffected by any legislation, competent or incompetent, which may have been attempted in the organization of the courts of the United States; but depends exclusively upon the construction of the 2d section of the 3d article of the Constitution, which defines the judicial power of the United States; first, with respect to the subjects embraced within that power; and, secondly, with respect to those whose character may give them access, as parties, to the courts of the United States. In the second branch of this definition, we find the following enumeration, as descriptive of those whose position, as parties, will authorize their pleading or being impleaded in those courts; and this position is limited to "controversies to which the United States are a party; controversies 97\*97 between two or more States, — between citizens of different States, — between citizens of the same State, claiming lands under grants of different States, — and between the citizens of a State and foreign citizens or subjects."

Now, it has not been, and will not be, pretended, that this corporation can, in any sense, be identified with the United States, or is endowed with the privileges of the latter; or if it could be, it would clearly be exempted from all liability to be sued in the Federal courts. Nor is it pretended, that this corporation is a State of this Union; nor, being created by, and situated within, the State of New Jersey, can it be held to be the citizen or subject of a foreign State. It must be, then, under that part of the enumeration in the article quoted, which gives to the

1 courts of the United States jurisdiction in controversies between citizens of different States, that either the  
2 Circuit Court or this court can take cognizance of the corporation as a party; and this is, in truth, the sole  
3 foundation on which that cognizance has been assumed, or is attempted to be maintained. The proposition,  
4 then, on which the authority of the Circuit Court and of this tribunal is based, is this: The Delaware and  
5 Raritan Canal Company is either a citizen of the United States, or it is a citizen of the State of New Jersey.  
6 This proposition, startling as its terms may appear, either to the legal or political apprehension, is undeniably  
7 the basis of the jurisdiction asserted in this case, and in all others of a similar character, and must be  
8 established, or that jurisdiction wholly fails. Let this proposition be examined a little more closely.

9 The term citizen will be found rarely occurring in the writers upon English law; those writers almost universally  
10 adopting, as descriptive of those possessing rights or sustaining obligations, political or social, the term subject,  
11 as more suited to their peculiar local institutions. But, in the writers of other nations, and under systems of polity  
12 deemed less liberal than that of England, we find the term citizen familiarly reviving, and the character and the  
13 rights and duties that term implies, particularly defined. Thus, Vattel, in his 4th book, has a chapter, (cap. 6th,)   
14 the title of which is: "The concern a nation may have in the actions of her citizens." A few words from the text of  
15 that chapter will show the apprehension of this author in relation to this term. "Private persons," says he, "who  
16 are members of one nation, may offend and ill-treat the citizens of another; it remains for us to examine what  
17 share a state may have in the actions of her citizens, and what are the rights and obligations of sovereigns in that  
18 respect." And again: "Whoever uses a citizen ill, indirectly offends the state, which is bound to protect this  
19 citizen." The meaning of the term citizen 98\*98 or subject, in the apprehension of English jurists, as indicating  
20 persons in their natural character, in contradistinction to artificial or fictitious persons created by law, is  
21 further elucidated by those jurists, in their treatises upon the origin and capacities and objects of those artificial  
22 persons designated by the name of corporations. Thus, Mr. Justice Blackstone, in the 18th chapter of his 1st  
23 volume, holds this language: "We have hitherto considered persons in their natural capacities, and have treated  
24 of their rights and duties. But, as all personal rights die with the person; and, as the necessary forms of investing  
25 a series of individuals, one after another, with the same identical rights, would be inconvenient, if not  
26 impracticable; it has been found necessary, when it is for the advantage of the public to have any particular  
27 rights kept on foot and continued, to constitute artificial persons, who maintain a perpetual succession, and  
28 enjoy a kind of legal immortality. These artificial persons are called corporations."

29 This same distinguished writer, in the first book of his Commentaries, p. 123, says, "The rights of persons are  
30 such as concern and are annexed to the persons of men, and when the person to whom they are due is regarded,  
31 are called simply rights; but when we consider the person from whom they are due, they are then denominated,  
32 duties," And again, cap. 10th of the same book, treating of the PEOPLE, he says, "The people are either aliens,  
33 that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it." Under  
34 our own systems of polity, the term, citizen, implying the same or similar relations to the government and to  
35 society which appertain to the term, subject, in England, is familiar to all. Under either system, the term used is  
36 designed to apply to man in his individual character, and to his natural capacities; to a being, or agent,  
37 possessing social and political rights, and sustaining, social, political, and moral obligations. It is in this  
38 acceptation only, therefore, that the term, citizen, in the article of the Constitution, can be received and  
39 understood. When distributing the judicial power, that article extends it to controversies between citizens of  
40 different States. This must mean the natural physical beings composing those separate communities, and can,  
41 by no violence of interpretation, be made to signify artificial, incorporeal, theoretical, and invisible creations.  
42 A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible,  
43 cannot be a citizen of a State, or of the United States, and cannot fall within the terms or the power of the  
44 above-mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States.  
45 Against this position it may be urged, that the 99\*99 converse thereof has been ruled by this court, and that this  
46 matter is no longer open for question. In answer to such an argument, I would reply, that this is a matter involving  
47 a construction of the Constitution, and that wherever the construction or the integrity of that sacred instrument  
48 is involved, I can hold myself trammelled by no precedent or number of precedents. That instrument is above all  
49 precedents; and its integrity every one is bound to vindicate against any number of precedents, if believed to  
50 trench upon its supremacy. Let us examine into what this court has propounded in reference to its jurisdiction in  
51 cases in which corporations have been parties; and endeavor to ascertain the influence that may be claimed for  
52 what they have heretofore ruled in support of such jurisdiction. The first instance in which this question was  
53 brought directly before this court, was that of the Bank of the United States v. Deveaux, 5 Cranch, 61. An  
54 examination of this case will present a striking instance of the error into which the strongest minds may be led,  
55 whenever they shall depart from the plain, common acceptance of terms, or from well ascertained truths, for the  
56 attainment of conclusions, which the subtlest ingenuity is incompetent to sustain. This criticism upon the decision  
57 in the case of the Bank v. Deveaux, may perhaps be shielded from the charge of presumptuousness, by a  
58 subsequent decision of this court, hereafter to be mentioned. In the former case, the Bank of the United States,  
59 a corporation created by Congress, was the party plaintiff, and upon the question of the capacity of such a  
60 party to sue in the courts of the United States, this court said, in reference to that question, "The jurisdiction  
61 of this court being limited, so far as respects the character of the parties in this particular case, to controversies  
62 between citizens of different States, both parties must be citizens, to come within the description. That invisible,  
63 intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and  
64 consequently cannot sue or be sued in the courts of the United States, unless the rights of the members in this  
65 respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not  
66 as a company of individuals, who, in transacting their business, may use a legal name, they must be excluded  
67 from the courts of the Union." The court having shown the necessity for citizenship in both parties, in order to  
68 give jurisdiction; having shown farther, from the nature of corporations, their absolute incompatibility with  
69 citizenship, attempts some qualification of these indisputable and clearly stated positions, which, if intelligible at



all, must be taken as wholly subversive of the positions so laid down. After stating the requisite of citizenship, and showing that a corporation 100\*100 cannot be a citizen, "and consequently that it cannot sue or be sued in the courts of the United States," the court goes on to add, "unless the rights of the members can be exercised in their corporate name." Now, it is submitted that it is in this mode only, viz. in their corporate name, that the rights of the members can be exercised; that it is this which constitutes the character, and being, and functions of a corporation. If it is meant beyond this, that each member, or the separate members, or a portion of them, can take to themselves the character and functions of the aggregate and merely legal being, then the corporation would be dissolved; its unity and perpetuity, the essential features of its nature, and the great objects of its existence, would be at an end. It would present the anomaly of a being existing and not existing at the same time. This strange and obscure qualification, attempted by the court, of the clear, legal principles previously announced by them, forms the introduction to, and apology for, the proceeding, adopted by them, by which they undertook to adjudicate upon the rights of the corporation, through the supposed citizenship of the individuals interested in that corporation. They assert the power to look beyond the corporation, to presume or to ascertain the residence of the individuals composing it, and to model their decision upon that foundation. In other words, they affirm that in an action at law, the purely legal rights, asserted by one of the parties upon the record, may be maintained by showing or presuming that these rights are vested in some other person who is no party to the controversy before them.

Thus stood the decision of the Bank of the United States v. Deveaux, wholly irreconcilable with correct definition, and a puzzle to professional apprehension, until it was encountered by this court, in the decision of the Louisville and Cincinnati Railroad Company v. Letson, reported in 2 Howard, 497. In the latter decision, the court, unable to untie the judicial entanglement of the Bank and Deveaux, seem to have applied to it the sword of the conqueror; but, unfortunately, in the blow they have dealt at the ligature which perplexed them, they have severed a portion of the temple itself. They have not only contravened all the known definitions and adjudications with respect to the nature of corporations, but they have repudiated the doctrines of the civilians as to what is imported by the term subject or citizen, and repealed, at the same time, that restriction in the Constitution which limited the jurisdiction of the courts of the United States to controversies between "citizens of different States." They have asserted that, "a corporation created by, and transacting business in a State, is to be deemed an inhabitant of the State, capable of being treated 101\*101 as a citizen, for all the purposes of suing and being sued, and that an averment of the facts of its creation, and the place of transacting its business, is sufficient to give the circuit court's jurisdiction.

The first thing which strikes attention, in the position thus affirmed, is the want of precision and perspicuity in its terms. The court affirm that a corporation created by, and transacting business within a State, is to be deemed an inhabitant of that State. But the article of the Constitution does not make inhabitancy a requisite of the condition of suing or being sued; that requisite is citizenship. Moreover, although citizenship implies the right of residence, the latter by no means implies citizenship. Again, it is said that these corporations may be treated as citizens, for the purpose of suing or being sued. Even if the distinction here attempted were comprehensible, it would be a sufficient reply to it, that the Constitution does not provide that those who may be treated as citizens, may sue or be sued, but that the jurisdiction shall be limited to citizens only; citizens in right and in fact. The distinction attempted seems to be without meaning, for the Constitution or the laws nowhere define such a being as a quasi citizen, to be called into existence for particular purposes; a being without any of the attributes of citizenship, but the one for which he may be temporarily and arbitrarily created, and to be dismissed from existence the moment the particular purposes of his creation shall have been answered. In a political, or legal sense, none can be treated or dealt with by the government as citizens, but those who are citizens in reality. It would follow, then, by necessary induction, from the argument of the court, that as a corporation must be treated as a citizen, it must be so treated to all intents and purposes, because it is a citizen. Each citizen (if not under old governments) certainly does, under our system of polity, possess the same rights and faculties, and sustain the same obligations, political, social, and moral, which appertain to each of his fellow-citizens. As a citizen, then, of a State, or of the United States, a corporation would be eligible to the State or Federal legislatures; and if created by either the State or Federal governments, might, as a native-born citizen, aspire to the office of President of the United States — or to the command of armies, or fleets, in which last example, so far as the character of the commander would form a part of it, we should have the poetical romance of the spectre ship realized in our Republic. And should this incorporeal and invisible commander not acquit himself in color or in conduct, we might see him, provided his arrest were practicable, sent to answer his delinquencies before a court-martial, and subjected to the penalties 102\*102 of the articles of war. Sir Edward Coke has declared, that a corporation cannot commit treason, felony, or other crime; neither is it capable of suffering a traitor's or felon's punishment; for it is not liable to corporeal penalties — that it can perform no personal duties, for it cannot take an oath for the due execution of an office; neither can it be arrested or committed to prison, for its existence being ideal, no man can arrest it; neither can it be excommunicated, for it has no soul. But these doctrines of Lord Coke were founded upon an apprehension of the law now treated as antiquated and obsolete. His lordship did not anticipate an improvement by which a corporation could be transformed into a citizen, and by that transformation be given a physical existence, and endowed with soul and body too. The incongruities here attempted to be shown as necessarily deducible from the decisions of the cases of the Bank of the United States v. Deveaux, and of the Cincinnati and Louisville Railroad Company v. Letson, afford some illustration of the effects which must ever follow a departure from the settled principles of the law. These principles are always traceable to a wise and deeply founded experience; they are, therefore, ever consentaneous, and in harmony with themselves and with reason; and whenever abandoned as guides to the judicial course, the aberration must lead to bewildering uncertainty and confusion. Conducted by these principles, consecrated both by time and the obedience of sages, I am brought to the following conclusions: 1st. That by no sound or



reasonable interpretation, can a corporation — a mere faculty in law, be transformed into a citizen, or treated as a citizen. 2d. That the second section of the third article of the Constitution, investing the courts of the United States with jurisdiction in controversies between citizens of different States, cannot be made to embrace controversies to which corporations and not citizens are parties; and that the assumption, by those courts, of jurisdiction in such cases, must involve a palpable infraction of the article and section just referred to. 3d. That in the cause before us, the party defendant in the Circuit Court having been a corporation aggregate, created by the State of New Jersey, the Circuit Court could not properly take cognizance thereof; and, therefore, this cause should be remanded to the Circuit Court, with directions that it be dismissed for the want of jurisdiction.

[Rundle Et Al v. Delaware and Raritan Canal Company, 55 U.S. 80 (1852)]

So, in the CONSTITUTION, corporations or other artificial entities are NOT “citizens[\*]”, but under federal STATUTORY law granting jurisdiction to federal courts, they ARE CIVIL “citizens[\*\*+DJ”. And what statutory law is THAT? See 28 U.S.C. §1332:

[TITLE 28 > PART IV > CHAPTER 85 > § 1332](#)

[§ 1332. Diversity of citizenship; amount in controversy; costs](#)

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

(1) citizens of different States;

(2) citizens of a State and citizens or subjects of a foreign state;

(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and

(4) a foreign state, defined in section [1603 \(a\)](#) of this title, as plaintiff and citizens of a State or of different States.

[. . .]

(e) The word “States”, as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

We can see from the above that the “State” they are talking about is NOT a constitutional state of the Union, but rather is identified in 28 U.S.C. §1332(e) as a federal territory NOT within any state of the Union. All such territories are in fact “corporations”:

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

Hence, this STATUTORY “State” mentioned in 28 U.S.C. §1332 is obviously a STATUTORY rather than CONSTITUTIONAL “State”, and hence a STATUTORY and not CONSTITUTIONAL “citizen”. Therefore, a person who claims to be a constitutional citizen or a human being could not partake of the statutory “privilege” granted by the above franchise in 28 U.S.C. §1332. And YES, that is what it is: A franchise, “Congressionally created right”, or “public right”. All franchises presume that the actors, who are all public officers of “U.S. Inc.”, are domiciled upon and therefore citizens of federal territory and NOT a state of the Union. Those who are HUMANS don’t need franchises or privileges, and can instead

1 invoke CONSTITUTIONAL diversity instead of STATUTORY diversity of citizenship under Article III, Section 2 to litigate  
2 in a CONSTITUTIONAL un-enfranchised court.

3 The above analysis also clearly explains the following, because you can't be a "citizen[\*\*D+]" under federal civil statutory  
4 law unless you are domiciled on federal territory not within a CONSTITUTIONAL state of the Union:

5 *"Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp.*  
6 *981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678,*  
7 *683."*  
8 *[Black's Law Dictionary, 4th Ed., p. 311]*

9 All federal District Courts are Article IV, Section 3, Clause 2 franchise courts that manage government territory, property,  
10 and franchises. Federal corporations are an example of such franchises. This is proven with thousands of pages of evidence  
11 in the following. Therefore, the ONLY type of "domicile" they could mean above is domicile on federal territory not within  
12 any state of the Union.

[What Happened to Justice?, Form #06.012](http://sedm.org/ItemInfo/Ebooks/WhatHappJustice/WhatHappJustice.htm)

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

13 We also know based on the previous section that corporations are not constitutional citizens, so they can't be "born or  
14 naturalized" like a human being. BUT they are "born or naturalized" by other methods to become STATUTORY "citizens"  
15 of a particular jurisdiction. For instance:

- 16 1. The act of FORMING a corporation gives it "birth", in a legal sense.
- 17 2. The place or jurisdiction that the corporation is legally formed becomes the effective civil domicile of that corporation.

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 3. A corporation can only be domiciled in ONE place at a time. Hence, it can only be a "citizen" of one jurisdiction at a  
22 time. The place where the corporate headquarters is located usually is treated as the effective domicile of the  
23 corporation.
- 24 4. If a corporation is formed in a specific state of the Union, then it is a statutory but not constitutional citizen in THAT  
25 state only and a statutory alien in every OTHER state AND also alien in respect to federal jurisdiction.

26 *"A foreign corporation is one that derives its existence solely from the laws of another state, government, or*  
27 *country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created*  
28 *by or under the laws of another state or a corporation created by or under the laws of a foreign country."*

29 *"A federal corporation operating within a state is considered a domestic corporation rather than a foreign*  
30 *corporation. **The United States government is a foreign corporation with respect to a state."***  
31 *[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]*

32 Whenever you hear a judge or government prosecutor use the word "citizen" in federal court, they really are referring to civil  
33 domicile on federal territory not within any state of the Union. They are setting a trap to exploit your legal ignorance using  
34 "words of art". If they are referring to your "nationality" rather than whether you are a CIVIL "citizen[\*\*D+]", they are  
35 referring to POLITICAL citizenship and whether you are a "national" under 8 U.S.C. §1101(a)(21). If they ask you whether  
36 you are a "citizen" or a "citizen of the United States[\*\*]", you should always respond by asking:

- 37 1. Which of the three "United States" defined by the U.S. Supreme Court in [Hooven & Allison Co. v. Evatt, 324 U.S. 652](#)  
38 [\(1945\)](#) do you mean?
- 39 2. Do you mean my nationality or my domicile in that place?

40 ..and then you should say you are:

- 41 1. Domiciled outside the statutory geographical "United States[\*\*]" and therefore a transient foreigner and non-resident  
42 non-person in relation to federal jurisdiction.
- 43 2. A CONSTITUTIONAL citizen[\*]

3. NOT a STATUTORY civil citizen[\*\*D+] under any federal civil statute or regulation, including but not limited to 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c), all of which are STATUTORY/CIVIL and not CONSTITUTIONAL citizens[\*]:

[TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121](#)  
[§ 3121. Definitions](#)

(e) State, United States, and citizen

For purposes of this chapter—

(1) State

The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

**(2) United States [FEDERAL TERRITORY NOT PART OF ANY STATE]**

**The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.**

We should also point out that 18 U.S.C. §911 makes it a CRIME for a constitutional citizen[\*] to claim to be the statutory civil citizen[\*\*D+] described in Internal Revenue Code. Any attempt on the judges part to establish or protect the FALSE and FRAUDULENT presumption that you as a state citizen are also a STATUTORY citizen makes the judge a felon and automatically recuses him.

### **15.10 How you help the government terrorists kidnap your legal identity and transport it to “The District of Criminals”**

People who begin as a “constitutional” citizen commonly commit this crime and unwittingly in most cases transform themselves into a privileged “statutory” citizen by performing any one of the following unlawful acts. These unlawful acts at least make them appear to be a legal “person” under federal law with an effective domicile in the District of Columbia/federal zone and a “SUBJECT citizen”:

1. Opening up bank or financial accounts WITHOUT using the proper form, which is an AMENDED IRS Form W-8BEN. If you don’t use this form or a derivative and invoke the protection of the law for your status as a statutory “non-resident non-person” not engaged in a “trade or business”, the financial institution will falsely and prejudicially “presume” that you are both a “U.S.[\*\*] citizen[\*]” pursuant to [8 U.S.C. §1401](#) and a civil “U.S.[\*\*] person” pursuant to [26 U.S.C. §7701\(a\)\(30\)](#). To prevent this problem, see the following article:

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

2. Filing the WRONG tax form, the IRS Form 1040, rather than the correct 1040NR form. This constitutes an election to become a “resident alien” engaged in a “trade or business”, pursuant to [26 U.S.C. §7701\(b\)\(4\)\(B\)](#) and [26 U.S.C. §6013\(g\)](#) and (h). This can be prevented using the following form, for instance:

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

3. Applying for or accepting a government benefit, privilege, or license, such as Social Security, Medicare, or TANF. This would require them to fill out an SSA Form SS-5. 20 C.F.R. §422.104 requires that only those with a domicile on federal territory and who are therefore statutory “U.S. citizens” or “U.S. permanent residents”, may apply for Social Security. This causes a waiver of sovereign immunity under [28 U.S.C. §1605\(a\)\(2\)](#) and makes you into a “resident alien” who is a “public officer” within the government granting the privilege or benefit. See:

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

4. Filling out a federal or state government form incorrectly by describing yourself as a political “U.S.[\*\*] citizen[\*]” pursuant to [8 U.S.C. §1401](#) rather than a “national but not a CIVIL citizen [\*\*+D]” pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) and/or [8 U.S.C. §1452](#). This can be prevented by attaching the following form:

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

5. Improperly declaring your citizenship status to a federal court or not declaring it at all. If you describe yourself as a “citizen” or a “U.S. citizen” without further clarification, or if you don’t describe your citizenship at all in court pleadings, then federal courts will self-servingly “presume” that you are a statutory rather than constitutional citizen pursuant to 8 U.S.C. §1401 who has a domicile on federal territory. This is also confirmed by the following authorities:

*“The term ‘citizen’, as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term ‘domicile’. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557.”*

*[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]*

*“Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683.”*

*[Black’s Law Dictionary, Fourth Edition, p. 311]*

To prevent this problem, use the following attachment to all the filings in the court:

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

6. Accepting public office within the federal government. This causes you to be treated AS IF you are acting in a representative capacity representing the federal corporation called the “United States” as defined in 28 U.S.C. §3002(15)(A). Pursuant to Federal Rule of Civil Procedure 17(b), you assume the same domicile and citizenship of the party you represent. All corporations are “citizens” with a domicile where they were created, which is the District of Columbia in the case of the federal United States.

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

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

7. Failing to rebut false information returns filed against you reflecting nonzero earnings, such as any of the following forms:

7.1. Correcting Erroneous IRS Form 1042’s, Form #04.003. See:

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

7.2. Correcting Erroneous IRS Form 1098’s, Form #04.004. See:

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

7.3. Correcting Erroneous IRS Form 1099’s, Form #04.005. See:

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

7.4. Correcting Erroneous IRS Form W-2’s, Form #04.006. See:

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

All of the above information return forms connect you with the “trade or business” franchise pursuant to 26 U.S.C. §6041(a). A “trade or business” is defined in 26 U.S.C. §7701(a)(26) as “the functions of a public office”. Engaging in a “trade or business” makes you into a “resident alien” as defined in 26 U.S.C. §7701(b)(1)(A). See older versions of 26 C.F.R. §301.7701-5 for proof at the link below:

<http://famguardian.org/TaxFreedom/CitesByTopic/Resident-26cfr301.7701-5.pdf>

Later in section 17 we will describe in detail how to avoid and prevent being DECEIVED or COMPELLED into illegally assuming the STATUTORY CIVIL STATUS of “citizen” or “resident”.

## 15.11 Questions you can ask that will expose their deceit and compulsion

*“Be diligent to [investigate and expose the truth for yourself and thereby] present yourself [and the public servants who are your fiduciaries and stewards under the Constitution] approved to God, a worker who does not need to be ashamed, rightly dividing the word [and the deeds] of truth. But shun profane babblings [government propaganda, tyranny, and usurpation] for they will increase to more ungodliness. And their message [and their harmful effects] will spread like cancer [to destroy our society and great Republic].”*

*[2 Tim. 2:15-17, Bible, NKJV]*

Our favorite tactic to silence legally ignorant and therefore presumptuous people in PRESUMING that we are incorrect is to simply ask them questions just like Jesus did that will expose their deceit and folly. Below are a few questions you can ask judges and attorneys that they can’t answer in their entirety without contradicting either themselves or the law itself. By forcing them to engage in these contradictions and “cognitive dissonance” you prove indirectly that they are lying, because

anyone who contradicts their own testimony is a LIAR. There are many more questions like these at the end of the pamphlet, but these are high level enough to use on the average American to really get them thinking about the subject:

1. If the Declaration of Independence says that ALL just powers of government derive ONLY from our consent and we don't consent to ANYTHING, then aren't the criminal laws the ONLY thing that can be enforced against us, since they don't require our consent to enforce?
2. Certainly, if we DO NOT want "protection" then there ought to be a way to abandon it and the obligation to pay for it, at least temporarily, right?
3. If the word "permanent" in the phrase "permanent allegiance" is in fact conditioned on our consent and is therefore technically NOT "permanent", as revealed in 8 U.S.C. §1101(a)(31), can't we revoke it either temporarily or conditionally as long as we specify the conditions in advance or the specific laws we have it for and those we don't?

8 U.S.C. §1101 Definitions [for the purposes of citizenship]

(a) As used in this chapter—

(31) The term "permanent" means a relationship of continuing or lasting nature, as distinguished from temporary, but a relationship may be permanent even though it is one that may be dissolved eventually at the instance either of the United States[\*\*] or of the individual, in accordance with law.

4. If the political "citizen[\*] of the United States[\*\*] at birth" under 8 U.S.C. §1401 involves TWO components, being "national" and "citizen", can't we just abandon the "citizen" part if we want to and wouldn't we do that by simply changing our domicile to be outside of federal territory, since civil status is tied to domicile?

***citizen.** One who, under the Constitution and laws of the United States[\*\*\*], or of a particular state, is a **member of the political community, owing allegiance and being entitled to the enjoyment of full civil [STATUTORY] rights.** All persons born or naturalized in the United States[\*\*\*], and subject to the jurisdiction thereof, are citizens of the United States[\*\*\*] and of the state wherein they reside. U.S. Const., 14th Amend.. See [Citizenship](#).*

***"Citizens" are members of a political community who, in their associated capacity, have established or submitted themselves to the dominion of a government [by giving up their rights] for the promotion of their general welfare and the protection of their individual as well as collective rights.** Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109. [Black's Law Dictionary, Sixth Edition, p. 244]*

5. If you can't abandon the civil protection of Caesar and the obligation to pay for it, isn't there an unconstitutional taking without compensation of all the PUBLIC rights attached to the statutory status of "citizen" if we do not consent to the status?
6. If the separation of powers does not permit federal civil jurisdiction within states, how could the statutory civil status of territorial "citizen [\*\*+D]" carry any federal obligations whatsoever while in a constitutional state?
7. If domicile is what imparts the "force of law" to civil statutes per Federal Rule of Civil Procedure 17 and we don't have a domicile on federal territory, then how could we in turn have any CIVIL status under the laws of Congress?
8. How can the government claim we have an obligation to pay for protection we don't want if it is a maxim of the common law that we may REFUSE to accept a "benefit"?

*"Invito beneficium non datur.*

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

*Potest quis renunciare pro se, et suis, juri quod pro se introductum est.*

*A man may relinquish, for himself and his heirs, a right which was introduced for his own benefit. See 1 Bouv. Inst. n. 83.*

*Quilibet potest renunciare juri pro se inducto.*

*Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.*

*[Bouvier's Maxims of Law, 1856;*

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

9. What if I define what they call "protection" NOT as a "benefit" but an "injury"? Who is the customer here? The CUSTOMER should be the only one who defines what a "benefit" is and only has to pay for it if HE defines it as a "benefit".



10. Is the political “citizen[\*]” in Title 8 of the U.S. Code the same “citizen” that obligations attach to under Titles 26 and 31? Could Congress have instead created an office and a franchise with the same name of “citizen of the United States” under Title 26, imposed duties upon it, and fooled everyone into thinking it is the same “citizen” as the one in Title 8?
11. If the Bible says that Christians can’t consent to anything Caesar does or have contracts with him (Exodus 23:32-33, Judges 2:1-4), then how could I lawfully have any discretionary status under Caesar’s laws such as STATUTORY “citizen”? The Bible says I can’t have a king above me.

*“Owe no one anything [including ALLEGIANCE], except to love one another; for he who loves his neighbor has fulfilled the law.”  
[Romans 13:8, Bible, NKJV]*

12. If the Bible says that GOD bought us for a price and therefore OWNS us, then by what authority does Caesar claim ownership or the right to extract “rent” called “income tax” upon what belongs to God? Isn’t Caesar therefore simply renting out STOLEN property and laundering money if he charges “taxes” on the use of that which belongs to God?

*“For you were bought [by Christ] at a price [His blood]; therefore glorify God in your body and in your spirit, which are God’s [property].”  
[1 Cor. 6:20, Bible, NKJV]*

Anyone who can’t answer ALL the above questions with answers that don’t contradict themselves or the REST of the law is lying to you about citizenship, and probably because they covet your property and benefit commercially from the lie. Our research in answering the above very interesting questions reveals that there is a way to terminate our status as a STATUTORY “citizen” and “customer” without terminating our nationality, but that it is carefully hidden. The results of our search will be of great interest to many. Enjoy.

#### **15.12 The Hague Convention HIDES the ONE portion that differentiates NATIONALITY from DOMICILE**

After World War II, countries got together in the Hague Convention and reached international agreements on the proper treatment of people everywhere. The United States was a party to that international agreement. Within that agreement is the following document:

*Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile [Anno Domini 1955], SEDM Exhibit #01.008*

Not surprisingly, the above article within the convention was written originally in FRENCH but is NOT available in or translated into ENGLISH. Why? Because English speaking governments obviously don’t want their inhabitants knowing the distinctions between NATIONALITY and DOMICILE and how they interact with each other. The SEDM sister site has found a French speaking person to translate the article, got it translated, and posted it at the following location:

*Hague Convention Relating to the Settlement of the Conflicts Between the Law of Nationality and the Law of Domicile [Anno Domini 1955], SEDM Exhibit #01.008*  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

#### **15.13 Social Security Administration HIDES your citizenship status in their NUMIDENT records**

Your citizenship status is represented in the Social Security NUMIDENT record maintained by the Social Security Administration. The field called “CSP” within NUMIDENT contains a one character code that represents your citizenship status. Valid CSP values are as follows:

**Table 23: SSA NUMIDENT CSP Code Values**

#	CSP Code Value	Statutory meaning	Constitutional meaning
1	A	U.S. citizen (per 8 U.S.C. §1401)	None
2	B	Legal Alien Allowed to Work	Alien (foreign national)
3	C	Legal Alien Not Allowed to Work	Alien (foreign national)
4	D	Other	“citizen of the United States***” or “Citizen”

This information is DELIBERATELY concealed and obfuscated from public view by the following Social Security policies:

1. The meaning of the CSP codes is NOT listed in the Social Security Program Operations Manual System (P.O.M.S.) online so you can't find out.  
<https://s044a90.ssa.gov/apps10/poms.nsf/partlist!OpenView>
2. Employees at the SSA offices are NOT allowed to know and typically DO NOT know what the code means.
3. If you submit a Freedom Of Information Act (F.O.I.A.) request to SSA asking them what the CSP code means, they will respond that the values of the codes are CLASSIFIED and therefore UNKNOWABLE by the public. You ARE NOT allowed to know WHAT citizenship status they associate with you. See the following negative response:  

*Social Security Admin. FOIA for CSP Code Values*, Exhibit #01.011  
<http://sedm.org/Exhibits/ExhibitIndex.htm>
4. The ONLY option they give you in block 5 entitled "CITIZENSHIP" are the following. They REFUSE to distinguish WHICH "United States" is implied in the term "U.S. citizen", and if they told the truth, the ONLY citizen they could lawfully mean is a STATUTORY "U.S. citizen" per 8 U.S.C. §1401 and NOT a CONSTITUTIONAL citizen, who is a STATUTORY non-resident non-person in relation to the national government with a foreign domicile:
  - 4.1. "U.S. citizen"
  - 4.2. "Legal Alien Allowed to Work"
  - 4.3. "Legal Alien NOT allowed to Work" (See Instructions on Page 1)
  - 4.4. "Other" (See instructions on page 1)See:

SSA Form SS-5  
<http://www.famguardian.org/TaxFreedom/Forms/Emancipation/ss-5.pdf>

Those who are domiciled outside the statutory "United States\*" or in a constitutional state of the Union and who want to correct the citizenship records of the SSA must submit a new SSA Form SS-5 to the Social Security Administration (S.S.A.) and check "Other" in Block 5 pursuant to 20 C.F.R. §422.110(a). This changes the CSP code in their record from "A" to "B". If you go into the Social Security Office and try to do this, the local offices often will try to give you a run-around with the following abusive and CRIMINAL tactics:

1. When you ask them about the meaning of Block 5, they will refuse to indicate whether the citizenship indicated is a CIVIL/STATUTORY status or a POLITICAL/CONSTITUTIONAL status. It can't be both. It must indicate NATIONALITY or DOMICILE, but not BOTH.
2. They will first try to call the national office to ask about your status in Block 5.
3. They will ABSOLUTELY REFUSE to involve you in the call or to hear what is said, because they want to protect the perpetrators of crime on the other end. Remember, terrorists always operate anonymously and they are terrorists. You should bring your MP3 voice record, insist on being present, and put the phone on speaker phone, and do EXACTLY the same thing they do when you call them directly by saying the following:

*"This call is being monitored for quality assurance purposes, just like you do to me without my consent ALL THE TIME."*

4. After they get off the phone, they will refuse to tell you the full legal name of the person on the other end of the call to protect those who are perpetuating the fraud.
5. They will tell you that they want to send your SSA Form SS-5 to the national office in Baltimore, Maryland, but refuse to identify EXACTLY WHO they are sending it to, because they don't want this person sued personally as they should be.
6. The national office will sit on the form forever and refuse to make the change requested, and yet never justify with the law by what authority they:
  - 6.1. Perpetuate the criminal computer fraud that results from NOT changing it.
  - 6.2. Perpetuate the criminal violation of 18 U.S.C. §911 by NOT changing it.
7. They will allow you to change ANYTHING ELSE on the form without their permission, but if you want to change your CITIZENSHIP, they essentially interfere with it illegally and criminally.

The reason they play all the above obfuscation GAMES and hide or classify information to conceal the GAMES is because they want to protect what they certainly know are the following CRIMES on their part and that of their employees:

1. They can't offer federal benefits to CONSTITUTIONAL but not STATUTORY citizens with a domicile outside of federal territory. If they do, they would be criminally violating 18 U.S.C. §911.
2. They can't pay public monies to PRIVATE parties, and therefore you CANNOT apply with the SS-5 for a "benefit" unless you are a public officer ALREADY employed with the government. If they let PRIVATE people apply they are conspiring to commit the crime of impersonating a public officer in violation of 18 U.S.C. §912.

The only status a state domiciled CONSTITUTIONAL but not STATUTORY citizen can put on the form is "Other" or "Legal [STATUTORY] Alien Allowed to Work". The instructions say the following about the "Other" option:

*"If you check "Other", you need to provide proof that you are entitled to a federally-funded benefit for which Social Security number is required as a condition for you to receive payment."*

In answer to the above query in connection with the "Other" option, we suggest:

*"DO NOT seek any federally funded benefit. I want a NONtaxpayer number that entitles me to ABSOLUTELY NOTHING as a NONRESIDENT ALIEN who is NOT a "U.S. citizen" or "U.S. person" and who is NOT required to have or use such a number by 31 C.F.R. §306.10, 31 C.F.R. §1020.410(b)(3)(x), and IRS Pub. 515."*

*1. I am being illegally compelled to use a number I know I am not qualified to ask for.*

*2. The number was required as a precondition condition of PRIVATE employment or opening a PRIVATE financial account by a NONRESIDENT ALIEN who is NOT a "U.S. citizen" or "U.S. person" and who is NOT required to have or use such a number by 31 C.F.R. §306.10, 31 C.F.R. §1020.410(b)(3)(x), and IRS Pub. 515.*

*I ask that you criminally prosecute them under 42 U.S.C. §408(a)(8) for doing so AND provide a statement on SSA letterhead indicating that I am NOT eligible that I can show them. Furthermore, if you do have any numbers on file connected with my name, I ask that they be rescinded permanently from your records."*

Then you may want to attach the following forms to the application to ENSURE that they reject your application and TELL you that you are NOT eligible so you can show it to the person who is COMPELLING you to use a number:

1. [Affidavit of Citizenship, Domicile, and Tax Status](http://sedm.org/Forms/FormIndex.htm), Form #02.001
2. [Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number"](http://sedm.org/Forms/FormIndex.htm), Form #04.205

#### **15.14 "Citizenship" in federal court implies Domicile on federal territory not within any state**

The following legal authorities conclusively establish that the terms "citizen", "citizenship", and "domicile" are synonymous in federal courts. They validate all of the above conclusive presumptions that government employees, officers, and judges habitually make when you appear before them or submit a government form to them, unless you specify or explain otherwise. Government employees, officers, and judges just HATE to discuss or document these presumptions, which is why authorities to prove their existence are so difficult to locate.

*"Domicile and citizen are synonymous in federal courts, Earley v. Hershey Transit Co., D.C. Pa., 55 F.Supp. 981, 982; inhabitant, resident and citizen are synonymous, Standard Stoker Co. v. Lower, D.C.Md., 46 F.2d. 678, 683."*

*[Black's Law Dictionary, Fourth Edition, p. 311]*

*The terms "citizen" and "citizenship" are distinguishable from "resident" or "inhabitant." Jeffcott v. Donovan, C.C.A.Ariz., 135 F.2d. 213, 214; and from "domicile," Wheeler v. Burgess, 263 Ky. 693, 93 S.W.2d. 351, 354; First Carolinas Joint Stock Land Bank of Columbia v. New York Title & Mortgage Co., D.C.S.C., 59 F.2d. 350, 351. The words "citizen" and citizenship," however, usually include the idea of domicile, Delaware, L. & W.R. Co. v. Petrowsky, C.C.A.N.Y., 250 F. 554, 557; citizen inhabitant and resident often synonymous, Jonesboro Trust Co. v. Nutt, 118 Ark. 368, 176 S.W. 322, 324; Edgewater Realty Co. v. Tennessee Coal, Iron & Railroad Co., D.C.Md., 49 F.Supp. 807, 809; and citizenship and domicile are often synonymous. Messick v. Southern Pa. Bus Co., D.C.Pa., 59 F.Supp. 799, 800.*

*[Black's Law Dictionary, Fourth Edition, p. 310]*

*"Citizenship and domicile are substantially synonymous. Residency and inhabitation are too often confused with the terms and have not the same significance. Citizenship implies more than residence. It carries with it the idea of identification with the state and a participation in its functions. As a citizen, one sustains social, political, and moral obligation to the state and possesses social and political rights under the Constitution and laws thereof."*

Harding v. Standard Oil Co. et al. (C.C.), 182 F. 421; Baldwin v. Franks, 120 U.S. 678, 7 S.Ct. 763, 32 L.Ed. 766; Scott v. Sandford, 19 How. 393, 476, 15 L.Ed. 691."  
[Baker v. Keck, 13 F.Supp. 486 (1936)]

"The term 'citizen', as used in the Judiciary Act with reference to the jurisdiction of the federal courts, is substantially synonymous with the term 'domicile'. Delaware, L. & W.R. Co. v. Petrowsky, 2 Cir., 250 F. 554, 557."  
[Earley v. Hershey Transit Co., 55 F.Supp. 981, D.C.PA. (1944)]

No person may be compelled to choose a domicile or residence ANYWHERE. By implication, no one but you can commit yourself to being a "citizen" or to accepting the responsibilities or liabilities that go with it.

**"The rights of the individual are not derived from governmental agencies,** either municipal, state or federal, or even from the Constitution. They exist inherently in every man, by endowment of the Creator, and are merely reaffirmed in the Constitution, and **restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government.** The people's rights are not derived from the government, but the government's authority comes from the people.\*946 The Constitution but states again these rights already existing, and when legislative encroachment by the nation, state, or municipality invade these original and permanent rights, it is the duty of the courts to so declare, and to afford the necessary relief. The fewer restrictions that surround the individual liberties of the citizen, except those for the preservation of the public health, safety, and morals, the more contented the people and the more successful the democracy."  
[City of Dallas v Mitchell, 245 S.W. 944 (1922)]

"Citizenship" and "residence", as has often been declared by the courts, are not convertible terms. ... "The better opinion seems to be that a citizen of the United States is, under the amendment [14th], prima facie a citizen of the state wherein he resides, cannot arbitrarily be excluded therefrom by such state, but that **he does not become a citizen of the state against his will, and contrary to his purpose and intention to retain an already acquired citizenship elsewhere.** The amendment [14th] is a restraint on the power of the state, but not on the right of the person to choose and maintain his citizenship or domicile""  
[Sharon v. Hill, 26 F. 337 (1885)]

Since "citizen", "citizenship", and "domicile" are all synonymous, then you can only be a CIVIL "citizen [\*\*+D]" in ONE place at a time. This is because you can only have a "domicile" in one place at a time.

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

The implications of this revelation are significant. It means that in relation to the state and federal governments and their mutually exclusive territorial jurisdictions, you can only be a statutory "citizen" of one of the two jurisdictions at a time. Whichever one you choose to be a "citizen" of, you become a "national but not a citizen" in relation to the other. You can therefore be subject to the civil laws of only one of the two jurisdictions at a time. Whichever one of the two jurisdictions you choose your domicile within becomes your main source of protection.

Choice of domicile is an act of political affiliation protected by the First Amendment prohibition against compelled association:

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

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

**Freedom from compelled association is a vital component of freedom of expression.** Indeed, freedom from compelled association illustrates the significance of the liberty or personal autonomy model of the First

Amendment. As a general constitutional principle, it is for the individual and not for the state to choose one's associations and to define the persona which he holds out to the world.  
[First Amendment Law, Barron-Dienes, West Publishing, ISBN 0-314-22677-X, pp. 266-267]

## 15.15 How you unknowingly volunteered to become a CIVIL “U.S.\*\* citizen\*\*+D” under federal statutes

Armed with the knowledge that “U.S. citizen” status under federal statutes and “Acts of Congress” is *entirely voluntary* for state nationals, let’s now examine the federal government’s definition of the term “naturalization” to determine at what point we “volunteered”:

8 U.S.C. §1101(a)(23) naturalization defined

(a)(23) The term “naturalization” means the conferring of **nationality** [NOT “citizenship” or “U.S. citizenship”, but “nationality”, which means “national”] of a state upon a person after birth, by any means whatsoever.

And here is the definition in Black’s Law Dictionary, Sixth Edition, p. 1026 of *naturalization*:

**Naturalization.** The process by which a person acquires nationality [not citizenship, but nationality] after birth and becomes entitled to the privileges of U.S. citizenship. 8 U.S.C.A. §1401 et seq..

*In the United States collective naturalization occurs when designated groups are made citizens by treaty (as Louisiana Purchase), or by a law of Congress (as in annexation of Texas and Hawaii). Individual naturalization must follow certain steps: (a) petition for naturalization by a person of lawful age who has been a lawful resident of the United States for 5 years; (b) investigation by the Immigration and Naturalization Service to determine whether the applicant can speak and write the English language, has a knowledge of the fundamentals of American government and history, is attached to the principles of the Constitution and is of good moral character; (c) hearing before a U.S. District Court or certain State courts of record; and (d) after a lapse of at least 30 days a second appearance in court when the oath of allegiance is administered.*  
[Black’s Law Dictionary, Sixth Edition, p. 1026]

Hmmm. Well then, if you were a foreigner who was “naturalized” to become a “national” (and keep in mind that all of America is mostly a country of immigrants), then some questions arise:

1. At what point did you become a STATUTORY civil “U.S.[\*\*] citizen[\*\*+D]” under federal civil statutory law, because “naturalization” didn’t do it?
2. By what means did you inform the government of your “informed choice” in this voluntary process?

The answer is that when you applied for a passport or registered to vote or participated in jury duty, the government asked you whether you were a “U.S. citizen” and you lied by saying “YES”. In effect, although you never made an informed choice to surrender your sovereign status as a “national” to become a “U.S. citizen”, you created a “presumption” on their part that you were a CIVIL “U.S.[\*\*] citizen[\*\*+D]” just because of the erroneous paperwork you sent them which they can later use as evidence in court to prove you are a CIVIL “U.S.[\*\*] citizen[\*\*+D]”. Even worst, they ENCOURAGED you to make it erroneous because of the way they designed the forms by not even giving you a choice on the form to indicate that you were a “national” instead of a “U.S. citizen”! By you checking the “U.S. citizen” block on their rigged forms, that is all the evidence they needed to conclude, incorrectly and to their massive financial benefit I might add, that you were a “U.S. citizen” who was “completely subject to the jurisdiction” of the United States. BAD IDEA!

Technically and lawfully, the federal government does not have the lawful authority to confer “citizen[\*] of the United States[\*\*]” status within 8 U.S.C. §1401 upon a person born inside a Union state on land that is not part of the federal zone and domiciled there. If they did, they would be “sheep poachers” who were stealing citizens from the Union states and depriving those states of control over persons born within their jurisdiction. This is so because “citizen of the United States\*\*\*\*” status is superior and dominant over state citizenship according to the Supreme Court in the *Slaughter-House Cases*, 83 U.S. 36 (1873):

“The first of these questions is one of vast importance, and lies at the very foundations of our government. **The question is now settled by the fourteenth amendment itself, that citizenship of the United States is the primary citizenship in this country; and that State citizenship is secondary and derivative, depending upon citizenship of the United States and the citizen's place of residence. The States have not now, if they ever had, any power to restrict their citizenship to any classes or persons.** A citizen of the United States has a perfect constitutional right to go to and reside in any State he chooses, and to claim citizenship therein, [83 U.S. 36, 113] and an equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that right. He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all the



rights and privileges enjoyed by other citizens. And when the spirit of lawlessness, mob violence, and sectional hate can be so completely repressed as to give full practical effect to this right, we shall be a happier nation, and a more prosperous one than we now are. Citizenship of the United States ought to be, and, according to the Constitution, is, a sure and undoubted title to equal rights in any and every State in this Union, subject to such regulations as the legislature may rightfully prescribe. If a man be denied full equality before the law, he is denied one of the essential rights of citizenship as a citizen of the United States.”  
[Slaughter-House Cases, 83 U.S. 36 (1873)]

Therefore, persons born in the Union states but outside the federal zone (federal areas or enclaves within the states) must be naturalized technically in order to become 8 U.S.C. §1401 “citizens[\*] of the United States[\*\*]”. However, the rules for naturalization in the case of federal citizenship are so lax and transparent that people are fooled into thinking they always were “citizens of the United States”! Whenever you fill out a passport or voter registration form and claim you are a “citizen of the United States” or a “U.S. citizen”, for instance, even if you technically weren’t because you weren’t born inside the federal zone, then you have effectively and formally “naturalized” yourself into federal citizenship and given the government evidence admissible under penalty of perjury proving that you are a federal serf and slave!

We therefore like to think of the term “U.S. citizen” used by the Internal Revenue Service and the Internal Revenue Code as being like the sign that your enemies taped on your back in grammar school without you knowing which said “HIT ME!”, and the only people who can see the sign or understand what it means are those who work for the government and the IRS and the legal profession! Your own legal ignorance is the only reason that you don’t know that you have this sign on your back. Remember:

“Your ELECTION as a CONSTITUTIONAL citizen to be treated as a statutory civil “citizen[\*\*+D] under the Internal Revenue Code gives the IRS an ERECTION! Bend over!”

#### **15.16 How to prevent being deceived or compelled to assume the civil status of “U.S.\*\* citizen\*\*+D”**

If you would like tools to prevent all of the above types of gamesmanship by corrupt judges and government prosecutors and bureaucrats, please see:

1. Citizenship, Domicile, and Tax Status Options, Form #10.003. Provide during depositions and discovery.  
<http://sedm.org/Forms/FormIndex.htm>
2. Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002. Attach to pleadings filed in federal court.  
<http://sedm.org/Litigation/LitIndex.htm>
3. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001. Attach to all government forms you are compelled to fill out.  
<http://sedm.org/Forms/FormIndex.htm>
4. Tax Form Attachment, Form #04.201. Attach to all tax forms you are required to fill out.  
<http://sedm.org/Forms/FormIndex.htm>

#### **15.17 Misapplication of Statutory diversity of citizenship or federal jurisdiction to state citizens**

Diversity of citizenship describes methods for invoking jurisdiction of federal court for controversies involving people not in the same state or country. Just like citizenship, there are TWO types of diversity of citizenship: CONSTITUTIONAL and STATUTORY. Choice of forum to hear diversity cases is either WITHIN the courts of the plaintiff’s home state or in federal court. State courts can hear cases involving diverse parties under the authority of their respective Longarm Statutes and the Minimum Contacts Doctrine, U.S. Supreme Court described in *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).

Procedures for removal from state to federal court are codified in 28 U.S.C. §§1441 through 1452. Generally speaking, STATUTORY diversity of citizenship is a statutory privilege rather than a CONSTITUTIONAL right.<sup>95</sup> One should avoid PRIVILEGES because they DESTROY or undermine constitutional rights. We refer to such PRIVILEGES as franchises. See:

<sup>95</sup> See *Adams v. Charter Communications VII, LLC*, 356 F.Supp.2d. 1268, 1271 (M.D. 2005); see also *Landman v. Borough of Bristol*, 896 F.Supp. 406, 409 (E.D. Pa. 1995)(“Because courts strictly construe the removal statutes, the parties must meticulously comply with the requirements of the statute to avoid remand.”)

A common method of confusing CONSTITUTIONAL citizens with STATUTORY citizens is to falsely and unconstitutionally PRESUME that CIVIL STATUTORY diversity of citizenship provisions of 28 U.S.C. §1332 and CONSTITUTIONAL diversity of citizenship found in Article III, Section 2 are equivalent. In fact, they are NOT equivalent and are mutually exclusive. We alluded to this earlier in section 14.1 under item 8. In fact:

1. STATUTORY and CONSTITUTIONAL diversity are NOT equal and in fact are mutually exclusive because they rely on DIFFERENT geographical definitions for “State” and “United States”.
2. The following authorities on choice of law limit the application of federal statutes to those domiciled in the geographical “United States\*\*”, meaning federal territory not within the exclusive jurisdiction of any state.
  - 2.1. Federal Rule of Civil Procedure 17.
  - 2.2. The Rules of Decision Act, 28 U.S.C. §1652.
  - 2.3. 40 U.S.C. §3111-3112.
  - 2.4. The geographical definitions of “United States” found in the Internal Revenue Code at 26 U.S.C. §§7701(a)(9) and (a)(10) and 4 U.S.C. §110(d).
  - 2.5. The geographical definitions of “United States” found in the Social Security Act at 42 U.S.C. §1301(a)(1) and (a)(2).
  - 2.6. The U.S. Supreme Court.

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

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

3. The STATUTORY definition of “State” in 28 U.S.C. §1332(e) is a federal territory.

*28 U.S. Code § 1332 - Diversity of citizenship; amount in controversy; costs*

*(e) The word “States”, as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.*

4. The definition of “State” in the CONSTITUTION is a State of the Union and NOT federal territory.

*It is sufficient to observe in relation to these three fundamental instruments [Articles of Confederation, the United States Constitution, and the Treaty of Peace with Spain], that it can nowhere be inferred that the \*251 territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of states, to be governed solely by representatives of the states; and even the provision relied upon here, that all duties, imposts, and excises shall be uniform ‘throughout the United States,’ is explained by subsequent provisions of the Constitution, that ‘no tax or duty shall be laid on articles exported from any state,’ and ‘no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.’ In short, the Constitution deals with states, their people, and their representatives.*

*[. . .]*

*“The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word ‘state,’ in that connection, was used simply to denote a distinct political society. ‘But,’ said the Chief Justice, ‘as the act of Congress obviously used the word ‘state’ in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution . . . and excludes from the term the signification attached to it by writers on the law of nations.’ This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L.Ed.*

825, and quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in *New Orleans v. Winter*, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.' In *Scott v. Jones*, 5 How. 343, 12 L.Ed. 181, and in *Miners' Bank v. Iowa ex rel. District Prosecuting Attorney*, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress." [Downes v. Bidwell, 182 U.S. 244 (1901)]

5. Corrupt government actors try to increase this confusion to illegally expand their jurisdiction by dismissing diversity cases where only diversity of RESIDENCE (domicile) is implied, instead insisting on "diversity of CITIZENSHIP" and yet REFUSING to define whether they mean DOMICILE or NATIONALITY when the term "CITIZENSHIP" is invoked. See *Lamm v. Bekins Van Lines, Co.*, 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001) ("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.", "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone.").

One publication about removal from state court to federal court says the following on the subject of removals. Notice they refer to "citizen" and "resident" as "terms of art", meaning terms that do not have the "ordinary meaning" but only that SPECIFICALLY identified in the statutes themselves:

#### 4. Take care with terms of art in diversity removal allegations

##### A. Terms of art: "Citizen" versus "resident"

The burden falls on the removing party to prove complete diversity.<sup>23</sup> "The allegations must show that the citizenship of each plaintiff is different from that of each defendant."<sup>24</sup> Some courts have found that the requisite specificity is lacking where a party alleges residency instead of citizenship.<sup>25</sup> In fact, such courts have held that "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone."<sup>26</sup> The reason enunciated by the courts for such a holding is that "[a]lthough 'citizenship' and 'residence' may be interchangeable terms in common parlance, the existence of citizenship cannot be inferred from allegations of residence alone."<sup>27</sup> Simply put, in a diversity removal, it may not be enough to allege only the residence of party; instead, the wiser practice for the party attempting to establish federal jurisdiction is to allege the citizenship of the diverse parties.<sup>28</sup>

##### B. Conclusory allegations of citizenship

Similarly, some courts take the position that merely alleging that an action is between citizens of different states is insufficient to establish that the parties are diverse for the purposes of supporting a diversity removal; instead, "specific facts must have been alleged so that [a] Court itself will be able to decide whether such jurisdiction exists."<sup>29</sup> Consequently, conclusory assertions that diversity of citizenship exists without accompanying factual support about a parties' citizenship as opposed to residency may result in remand.<sup>30</sup> For example, where the removing party states only the residence of an allegedly diverse party, and fails to include allegations regarding an allegedly diverse parties' citizenship, that failure has been used to justify remand.<sup>31</sup> The safer practice is for a removing party to allege diversity of citizenship and to specify in its removal documents the factual basis supporting the allegation that the parties are in fact diverse.

[A Primer on Removal: Don't Leave State Court Without It, Gregory C. Cook, A. Kelly Brennan;  
SOURCE: <http://www.balch.com/files/Publication/992723a2-ea1b-4cb8-9cb8-01287d8ca796/Presentation/PublicationAttachment/416c40d8-6d9d-4ce0-a4d8-0a4830a78300/Removal%20Article.pdf>]

<sup>23</sup> *Lamm v. Bekins Van Lines, Co.*, 139 F.Supp.2d. 1300, 1314 (M.D. Ala. 2001) ("To invoke removal jurisdiction on the basis of diversity, a notice of removal must distinctly and affirmatively allege each party's citizenship.")(citing *McGovern v. American Airlines, Inc.*, 511 F.2d. 653, 654 (5th Cir. 1975)(per curiam)).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Wenger v. Western Reserve Life Assur. Co.*, 570 F.Supp. 8, 10 (M.D. Tenn. 1983)(citing *Realty Holding Co. v. Donaldson*, 268 U.S. 398, 399 (1925), *Neel v. Pennsylvania Co.*, 157 U.S. 153 (1895)).

<sup>27</sup> See, e.g., *Johnson*, *supra*, note 19 (remanding case due to removing parties failure to allege citizenship in case removed on diversity jurisdiction grounds and holding allegation of residence was insufficient to evidence citizenship).

<sup>28</sup> *J.C. Whitney & Co. v. Renaissance Software Corp.*, 98 F.Supp.2d. 981 (N.D. Ill. 2000)(“allegations of residence are insufficient to establish diversity jurisdiction”).

<sup>29</sup> *Id.*

<sup>30</sup> *Nasco, Inc. v. Norsworthy*, 785 F.Supp. 707 (M.D. Tenn. 1992). In *Nasco*, the United States District Court for the Middle District of Tennessee remanded an action to state court where the defendants failed to adequately allege citizenship as opposed to residency. *Id.* In *Nasco*, the defendants made the conclusory allegation that complete diversity of citizenship among the parties existed. *Id.* at 709. However, the defendants’ factual assertions related only to the residency, not citizenship. *Id.* The Court remanded the action and stated that “[a]llegations of residence are wholly insufficient for purposes of removal.” *Id.* (quoting *Wenger v. Western Reserve Life Assurance Co. of Ohio*, 570 F.Supp. 8, 10 (M.D. Tenn. 1983)).

Similarly, the United States Court of Appeals for the Eleventh Circuit agrees that the failure to properly list citizenship in a removal petition is fatal to removal and warrants remand. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings LLC*, 374 F.3d. 1020 (11th Cir. 2004)(affirming district court’s order remanding action due to defendant’s failure to properly allege the citizenship of the parties in removal petition); cf. *Ervast v. Flexible Products, Co.*, 346 F.3d. 1007 (refusing to exercise jurisdiction on basis of diversity where defendant failed to plead basis in removal petition).

<sup>31</sup> *Johnson*, *supra*, note 19.

To eliminate the confusion of the STATUTORY/CIVIL and CONSTITUTIONAL context for citizenship terms in diversity of citizenship cases, we have prepared the following table. It eliminates the confusion by taking both DOMICILE and NATIONALITY into account, and it shows the corresponding authorities from which jurisdiction derives in each case. It is a work in progress subject to continual improvement because of the complexity of researching the subject:

**Table 24: Permutations of diversity of citizenship**

#	Party 1 to lawsuit		Party 2 to lawsuit		State/Territory jurisdiction?	Federal Jurisdiction?	Choice of law/ laws to be enforced	Notes
	Name	Condition	Name	Condition				
1	State citizen	Domiciled in SAME constitutional "State" as Party 2.	State citizen	Domiciled in SAME constitutional "State" as Party 1.	State has jurisdiction under common law	No jurisdiction	State law only	
2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 1	No jurisdiction	Federal government has subject matter diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.	State law only in most cases. Federal law if a constitutional tort and remedy is provided by statutes.	Includes constitutional torts pers Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971)
3	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	American national	Domiciled abroad	No jurisdiction	No jurisdiction. Party 2 is stateless.		Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)
4	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 1	No jurisdiction	No jurisdiction		
5	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national domiciled abroad	Domiciled abroad	No jurisdiction	Jurisdiction under 28 U.S.C. §1332(a)(2) .	State law only. No federal law.	Alienage jurisdiction. Cook v. Tait, 265 U.S. 47 (1924) tries to unconstitutionally circumvent this limitation for tax matters.
6	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a constitutional state	No jurisdiction	Federal government has subject matter diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.	State law only. No federal law.	Alienage jurisdiction.
7	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a territory or possession	No jurisdiction	Federal government has diversity jurisdiction under Article III, Section 2. No jurisdiction under 28 U.S.C. §1332.		Alienage jurisdiction.
8	Territorial citizen	Domiciled in SAME statutory "State" as Party 2.	Territorial citizen	Domiciled in SAME statutory "State" as Party 1	Territory has jurisdiction	None	Territory's laws only. No federal law	
9	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 2	Territorial citizen	Domiciled in a statutory "State" OTHER than Party 1	No jurisdiction	Federal government has diversity jurisdiction under 28 U.S.C. §1332.	Territory's laws only. No federal law	
10	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	American national	Domiciled abroad	No jurisdiction	No jurisdiction. Party 2 is stateless.		Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989)



#	Party 1 to lawsuit		Party 2 to lawsuit		State/Territory jurisdiction?	Federal Jurisdiction?	Choice of law/ laws to be enforced	Notes
	Name	Condition	Name	Condition				
11	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	State citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 1	No jurisdiction	No jurisdiction		
12	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national domiciled abroad	Domiciled abroad	No jurisdiction	No jurisdiction if Party 2 is stateless. <i>Newman-Green v. Alfonso Larrain</i> , 490 U.S. 826 (1989) (Party 2 is a stateless person)		Alienage jurisdiction. <i>Cook v. Tait</i> , 265 U.S. 47 (1924) tries to unconstitutionally circumvent this limitation for tax matters.
13	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a constitutional state	No jurisdiction	No jurisdiction		Alienage jurisdiction.
14	Territorial citizen	Domiciled in a constitutional but not statutory "State" OTHER than Party 2	Foreign national	Domiciled in a territory or possession	No jurisdiction	Federal government has diversity jurisdiction under 28 U.S.C. §1332.	Territory's laws only. No federal law	Alienage jurisdiction.

## NOTES:

- "State citizen", as used in the above table, is a human being born in a constitutional but not statutory "State" and "residing" there under the Fourteenth Amendment, Section 1. To "reside" as used in the Fourteenth Amendment has been held to mean to be civilly DOMICILED there rather than merely physically present. "Territorial citizen", as used in the above table, is a human being born in a federal territory or a federal corporation created under the laws of Congress.
  - It includes 8 U.S.C. §1401 STATUTORY "U.S. citizens" described in 26 C.F.R. §1.1-1(c).
  - It includes "non-citizen nationals" from U.S. possessions defined in 8 U.S.C. §1408.
  - It includes artificial entities as well, because all federally chartered corporations are deemed to be STATUTORY but not CONSTITUTIONAL citizens of the national government domiciled on federal territory.
- "Foreign national", as used in the above table, is a human being
  - Born in a foreign country. That human was born in neither a CONSTITUTIONAL state of the Union nor a territory or possession of the United States.
  - Born in a CONSTITUTIONAL state but domiciled abroad and not engaged in a public office in the national government. Also called a "stateless person" by the U.S. Supreme Court. *Newman-Green v. Alfonso Larrain*, 490 U.S. 826 (1989).
- "American national" as used above means someone born or naturalized in either a constitutional state or a federal territory or possession. American nationals domiciled abroad cannot sue in federal court under diversity of citizenship.

*"Partnerships which have American partners living abroad pose a special problem. In order to be a citizen of a State within the meaning of the diversity statute, a natural person must be both a citizen of the United States and be domiciled within the State." Newman-Green, Inc. v. Alfonzo-Larrain, 490 U.S. 826, 828, 109 S.Ct. 2218, 104 L.Ed.2d. 893 (1989). An American citizen domiciled abroad, while being a citizen of the United States is, of course, not domiciled in a particular state, and therefore such a person is "stateless" for purposes of diversity jurisdiction. See id. Thus, American citizens living abroad cannot be sued (or sue) in federal court based on diversity jurisdiction as they are neither "citizens of a State," see 28 U.S.C. §1332(a)(1), nor "citizens or subjects of a foreign state," see id. § 1332(a)(2). See Newman-Green, 490 U.S. at 826, 109 S.Ct. 2218."*

*[Swiger v. Allegheny Energy, Inc., 540 F.3d. 179 (3rd Cir., 2008)]*

4. When determining diversity jurisdiction, the civil or political status of a litigant, including nationality and domicile, is determined by his/her status at the time the suit is filed, not at the time the injury claimed occurred. [Smith v. Sperling](#), 354 U.S. 91, 93 n.1, 77 S.Ct. 1112, 1113 n.1, 1 L.Ed.2d. 1205 (1957).
5. A human being is deemed to be a citizen of the state where she is domiciled. See *Gilbert v. David*, 235 U.S. 561, 569, 35 S.Ct. 164, 59 L.Ed. 360 (1915).
6. A corporation is a citizen both of the state where it is incorporated and of the state where it has its principal place of business. 28 U.S.C. §1332(c). *Swiger v. Allegheny Energy, Inc.*, 540 F.3d. 179 (3rd Cir., 2008).
7. Those not domiciled in a constitutional state, even if physically present there, are not “citizens of the United States” under the auspices of the Fourteenth Amendment, Section 1. Rather, they are “non-resident non-persons” in respect to federal jurisdiction and “nationals of the United States\*\*\* OF AMERICA” who are not statutory “citizens of the United States\*\*\*” identified ANYWHERE in any act of congress, including 8 U.S.C. §1401. This is because the term “reside” in the Fourteenth Amendment, Section 1, has been held to mean DOMICILE and not mere physical presence. See section 3.8 earlier.
8. Partnerships and other unincorporated associations, unlike corporations, are not considered “citizens” as that term is used in the diversity statute. [See Carden v. Arkoma Assocs.](#), 494 U.S. 185, 187-92, 110 S.Ct. 1015, 108 L.Ed.2d. 157 (1990) (holding that a limited partnership is not a citizen under the jurisdictional statute); see also [Lincoln Prop. Co. v. Roche](#), 546 U.S. 81, 84 n. 1, 126 S.Ct. 606, 163 L.Ed.2d. 415 (2005) (“[F]or diversity purposes, a partnership entity, unlike a corporation, does not rank as a citizen[.]”); [United Steelworkers of Am. v. Bouligny](#), 382 U.S. 145, 149-50, 86 S.Ct. 272, 15 L.Ed.2d. 217 (1965) (holding that a labor union is not a citizen for purposes of the jurisdictional statute); [Great S. Fire Proof Hotel Co. v. Jones](#), 177 U.S. 449, 454-55, 20 S.Ct. 690, 44 L.Ed. 842 (1900) (holding that a limited partnership association, even though it was called a quasi-corporation and declared to be a citizen of the state under the applicable state law, is not a citizen of that state within the meaning of the jurisdictional statute); [Chapman v. Barney](#), 129 U.S. 677, 682, 9 S.Ct. 426, 32 L.Ed. 800 (1889) (holding that although the plaintiff-stock company was endowed by New York law with the capacity to sue, it could not be considered a “citizen” for diversity purposes); 15 James Wm. Moore, *Moore's Federal Practice* § 102.57[1] (3d ed.2006) [hereinafter *Moore's Federal Practice*] (“[A] partnership is not a ‘citizen’ of any state within the meaning of the statutes regulating jurisdiction[.]”). Given that partnerships are not citizens for diversity purposes, the Supreme Court has long applied the rule of *Chapman v. Barney*: that courts are to look to the citizenship of all the partners (or members of other unincorporated associations) to determine whether the federal district court has diversity jurisdiction. See *Lincoln Prop. Co.*, 546 U.S. at 84 n. 1, 126 S.Ct. 606; *Carden*, 494 U.S. at 196-97, 110 S.Ct. 1015; *Bouligny*, 382 U.S. at 151, 86 S.Ct. 272; *Great S. Fire Proof Hotel*, 177 U.S. at 456, 20 S.Ct. 690; *Chapman*, 129 U.S. at 682, 9 S.Ct. 426; see also 13B Charles Alan Wright et al., *Federal Practice & Procedure* § 3630 (2d ed. 1984) (“[W]henver a partnership, a limited partnership ..., a joint venture, a joint stock company, a labor union, a religious or charitable organization, a governing board of an unincorporated institution, or a similar association brings suit or is sued in a federal court, the actual citizenship of each of its members must be considered in determining whether diversity jurisdiction exists.”). In *Chapman*, the Supreme Court, on its own motion, reversed a judgment on the grounds that the federal court did not have jurisdiction over a stock company because the record did not demonstrate that all the partners of the stock company were citizens of a state different than that of the defendant.
9. STATUTORY “citizen of a State” status under 28 U.S.C. §1332(a)(1) is satisfied when a party has a civil DOMICILE in the state in question. Although this statute is limited to federally domiciled parties, it is applied as a matter of common law to constitutional diversity situations without adversely impacting the constitutional rights of the parties, but only if the other party to the suit is NOT a corporation. If the other party IS a corporation, then applying the statute is an injury because it brings a CONSTITUTIONAL citizen down to the same level as a STATUTORY citizen and thereby makes them subject to the laws of Congress.

*“28 U.S.C. §1332(a)(1) creates the federal courts’ jurisdiction over actions between ‘citizens of different States.’ For a natural person to fall within the provision he must be both (1) a citizen of the United States and (2) a citizen of a particular state. See Scott v. Sandford, 60 U.S. (19 How.) 393, 405-06, 15 L.Ed. 691 (1857); Delaware, L. & W.R. Co. v. Petrowsky, 250 F. 554, 557 (2d Cir.), cert. denied, 247 U.S. 508, 38 S.Ct. 427, 62 L.Ed. 1241 (1918). It is not disputed here that the plaintiff having been naturalized in 1973 is a citizen of the United States. What is contested is whether in 1976 when his complaint was filed he was a citizen of one of the United States. The issue is crucial to the plaintiff’s claim of jurisdiction under 28 U.S.C. §1332(a)(1) because settled precedent establishes that a citizen of the United States who is not also a citizen of one of the United States may not maintain suit under that section. Meyers v. Smith, 460 F.Supp. 621 (D.D.C.1978); Kaufman & Broad, Inc. v. Gootrad, 397 F.Supp. 1054 (S.D.N.Y.1975); Garner v. Pearson, 374 F.Supp. 580, 588-90 (M.D.Fla.1973); Hernandez v. Lucas, 254 F.Supp. 901 (S.D.Tex.1966); Clapp v. Stearns & Co., 229 F.Supp. 305 (S.D.N.Y.1964); McClanahan v. Galloway, 127 F.Supp. 929 (N.D.Cal.1955); Alla v. Kornfeld, 84 F.Supp. 823 (N.D.Ill.1949); Hammerstein v.*

Lyne, 200 F. 165 (W.D.Mo.1912). Although this doctrine excluding Americans domiciled abroad from the federal courts has been questioned,<sup>96</sup> the plaintiff does not directly attack it here and we see no reason for upsetting settled law now.

**State citizenship for the purpose of the state diversity provision is equated with domicile. The standards for determining domicile in this context are found by resort to federal common law. *Stifel v. Hopkins*, 477 F.2d. 1116, 1120 (6th Cir. 1973); *Ziady v. Curley*, 396 F.2d. 873, 874 (4th Cir. 1968). To establish a domicile of choice a person generally must be physically present at the location and intend to make that place his home for the time at least. See Restatement (Second) of Conflict of Laws §§15, 16, 18 (1971).**

[*Sadat v. Mertes*, 615 F.2d. 1176 (C.A.7 (Wis.), 1980)]

10. 28 U.S.C. §1332(a)(2) is called “alienage jurisdiction”. Here is what one court said on this subject:

28 U.S.C. §1332(a)(2) vests the district courts with jurisdiction over civil actions between state citizens and citizens of foreign states. This power is sometimes referred to as alienage jurisdiction. Although the basis for alienage jurisdiction is similar to that over controversies between state citizens, it is founded on more concrete concerns than the arguably unfounded fears of bias or prejudice by forums in one of the United States against litigants from another of the United States.

The dominant considerations which prompted the provision for such jurisdiction appear to have been:

(1) Failure on the part of the individual states to give protection to foreigners under treaties; Farrand, "The Framing of the Constitution" 46 (1913); Nevins, "The American State During and After the Revolution" 644-656 (1924); Friendly, 41 Harvard Law Review 483, 484.

(2) Apprehension of entanglements with other sovereigns that might ensue from failure to treat the legal controversies of aliens on a national level. Hamilton, "The Federalist" No. 80.

*Blair Holdings Corp. v. Rubinstein*, 133 F.Supp. 496, 500 (S.D.N.Y.1955). Thus, alienage jurisdiction was intended to provide the federal courts with a form of protective jurisdiction over matters implicating international relations where the national interest was paramount. See The Federalist No. 80 (A. Hamilton) ("(T)he peace of the WHOLE ought not to be left at the disposal of a PART. The Union will undoubtedly be answerable to foreign powers for the conduct of its members. And the responsibility for an injury ought ever to be accompanied with the faculty for preventing it.")<sup>7</sup> Recognizing this obvious national interest in such controversies, not even the proponents of the abolition of diversity jurisdiction over suits between citizens of the several United States have advocated elimination of alienage jurisdiction. See, e. g., H. Friendly, Federal Jurisdiction: A General View 149-50 (1973); Rowe, Abolishing Diversity Jurisdiction: Positive Side Effects and Potential for Further Reforms, 92 Harv.L.Rev. 963, 966-68 (1979).

**Because alienage jurisdiction is founded on the fear of giving offense to foreign countries, the domicile of the foreigner is irrelevant. Indeed, an alien domiciled in one of the United States is afforded access to the federal courts under 28 U.S.C. §1332(a)(2) even when he sues an American citizen residing in the same state. See *C. H. Nichols Lumber Co. v. Franson*, 203 U.S. 278, 27 S.Ct. 102, 51 L.Ed. 181 (1906); *Breedlove v. Nicolet*, 32 U.S. (7 Pet.) 413, 431-32, 8 L.Ed. 731 (1833); *Psinakis v. Psinakis*, 221 F.2d. 418, 422 (3d Cir. 1955); *City of Minneapolis v. Reum*, 56 F. 576 (8th Cir. 1893); *Hagl v. Jacob Stern & Sons*, 396 F.Supp. 779, 782 (E.D.Pa.1975). See also *DeVries v. Starr*, 393 F.2d. 9, 11 (10th Cir. 1968) (alien domiciled in Spain but a citizen of the Netherlands). The jurisdictional grant in 28 U.S.C. §1332(a)(2), however, does not establish the federal courts as forums for all lawsuits with an international flavor. **Suits solely between aliens are outside the constitutional grant of judicial power. *Jackson v. Twentyman*, 27 U.S. (2 Pet.) 136, 7 L.Ed. 374 (1829); *Hodgson v. Bowerbank*, 9 U.S. (5 Cranch) 303, 3 L.Ed. 108 (1809). Jurisdiction will not lie if the basis for jurisdiction is the alienage of a person with no nationality. *Shoemaker v. Malaxa*, 241 F.2d. 129 (2d Cir. 1957); *Factor v. Pennington Press, Inc.*, 238 F.Supp. 630 (N.D.Ill.1964). And an American citizen domiciled abroad is not by virtue of that fact alone a citizen of a foreign state. *Smith v. Carter*, 545 F.2d. 909 (5th Cir.), cert. denied, 431 U.S. 955, 97 S.Ct. 2677, 53 L.Ed.2d. 272 (1977); *Pemberton v. Colonna*, 290 F.2d. 220 (3d Cir. 1961) (per curiam) (affirming 189 F.Supp. 430 (E.D.Pa.1960)); *Haggerty v. Pratt Institute*, 372 F.Supp. 760 (E.D.N.Y.1974); *Van der Schelling v. U.S. News & World Report, Inc.*, 213 F.Supp. 756 (E.D.Pa.), aff'd, 324 F.2d. 956 (3d Cir. 1963) (per curiam), cert. denied, 377 U.S. 906, 84 S.Ct. 1166, 12 L.Ed.2d. 177 (1964); *Hammerstein v. Lyne*, 200 F. 165, 171-72 (W.D.Mo.1912).****

<sup>96</sup> See Currie, The Federal Courts and the American Law Institute, 36 U.Chi.L.Rev. 1, 9-10 (1968) (suggesting that Americans abroad might reasonably be deemed foreign subjects); Comment, 19 Wash. & Lee L.Rev. 78, 84-86 (1962) (proposing that a person's domicile and therefore his state citizenship should be deemed to continue until citizenship is established in another of the United States or until American citizenship is abandoned).

**The generally accepted test for determining whether a person is a foreign citizen for purposes of 28 U.S.C. §1332(a)(2) is whether the country in which citizenship is claimed would so recognize him.** This is in accord with the principle of international law that "it is the inherent right of every independent nation to determine for itself, and according to its own constitution and laws, what classes of persons shall be entitled to its citizenship." *United States v. Wong Kim Ark*, 169 U.S. 649, 668, 18 S.Ct. 456, 464, 42 L.Ed. 890 (1898). See, e. g., *Murarka v. Bachrack Bros.*, 215 F.2d 547, 553 (2d Cir. 1954) (Harlan, J.) ("It is the undoubted right of each country to determine who are its nationals, and it seems to be general international usage that such a determination will usually be accepted by other nations"); *Blair Holdings Corp. v. Rubinstein*, 133 F.Supp. at 499. See also Restatement (Second) of the Foreign Relations Law of the United States § 26 (1965).

Relying on this principle, the plaintiff maintains that notwithstanding his U.S. naturalization, Egypt still regards him as an Egyptian citizen. The evidence in the record tends to sustain his contention. It is apparently the plaintiff's position that Egypt requires its nationals to obtain its consent to their naturalization in other countries and even then it may condition its consent so that the emigrant retains his Egyptian nationality despite his naturalization elsewhere. A letter from the Egyptian Consulate General in New York confirms that the consent of that government is required.<sup>8</sup> Although the plaintiff did obtain the Egyptian government's consent prior to his naturalization in the United States, that consent was apparently conditioned upon his retaining his Egyptian citizenship. A letter from the Egyptian Minister of Exterior to the plaintiff states:

Greetings, we have the honor to inform you that it has been agreed to permit you to be naturalized with United States Citizenship but retaining your Egyptian citizenship and this is according to a letter from the Minister of Interior Department of Travel Documents, Immigration and Naturalization # 608 KH File # 100/41/70, Dated January 24, 1971.

Thus, Egypt still regards the plaintiff as one of its citizens notwithstanding its consent to his naturalization in the United States. In 1978, for example, the Egyptian government issued the plaintiff an Egyptian driver's license and an international driver's license. Both documents show the plaintiff's nationality as Egyptian.

**This evidence is sufficient to establish that, despite his naturalization in the United States, the plaintiff is an Egyptian under that country's laws. Consequently, under the ordinary choice of law rule for determining nationality under 28 U.S.C. §1332(a)(2) he would be so regarded for the purpose of determining the district court's jurisdiction over the subject matter.** Thus, the issue squarely presented to this court is whether a person possessing dual nationality, one of which is United States citizenship,<sup>9</sup> is "a citizen or subject of a foreign state" under 28 U.S.C. §1332(a)(2).

Dual nationality is the consequence of the conflicting laws of different nations, *Kawakita v. United States*, 343 U.S. 717, 734, 72 S.Ct. 950, 961, 96 L.Ed. 1249 (1952), and may arise in a variety of different ways.<sup>10</sup> The ambivalent policy of this country toward dual nationality is stated in a letter made a part of the record in this case from the Office of Citizenship, Nationality and Legal Assistance of the Department of State:

The United States does not recognize officially, or approve of dual nationality. However, it does accept the fact that some United States citizens may possess another nationality as the result of separate conflicting laws of other countries. Each sovereign state has the right inherent in its sovereignty to determine who shall be its citizens and what laws will govern them.

The official policy of this government has been to discourage the incidence of dual nationality. See *Savorgnan v. United States*, 338 U.S. 491, 500, 70 S.Ct. 292, 297, 94 L.Ed. 287 (1950); Warsoff, *Citizenship in the State of Israel*, 33 N.Y.U.L.Rev. 857 (1958) (detailing efforts of the U.S. government to prevent dual American-Israeli citizenship). See also *Hirabayashi v. United States*, 320 U.S. 81, 97-99, 63 S.Ct. 1375, 1384-1385, 87 L.Ed. 1774 (1943). Pursuant to that policy, since 1795 all persons naturalized are required to swear allegiance to the United States and "to renounce and abjure absolutely and entirely all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty of whom or which the petitioner was before a subject or citizen." 8 U.S.C. § 1448(a)(2). See *Savorgnan*, 338 U.S. at 500, 70 S.Ct. at 297. "The effectiveness of this provision is limited, however, for many nations will not accept such a disclaimer as ending their claims over naturalized Americans." Note, *Expatriating the Dual National*, 68 Yale L.J. 1167, 1169 n.11 (1959). See, e. g., *Coumas v. Superior Court*, 31 Cal.2d 682, 192 P.2d 449 (1948). Thus, dual nationality has been recognized in fact, albeit reluctantly, by the courts. See *Kawakita*, 343 U.S. at 723-24, 72 S.Ct. at 955-56:

(D)ual nationality (is) a status long recognized in the law. *Perkins v. Elg*, 307 U.S. 325, 344-349, 59 S.Ct. 884, 894-896, 83 L.Ed. 1320. The concept of dual citizenship recognizes that a person may have and exercise rights of nationality in two countries and be subject to the responsibilities of both. The mere fact that he asserts the rights of one citizenship does not without more mean that he renounces the other.

Whether a person possessing dual nationality should be considered a citizen or subject of a foreign state within the meaning of 28 U.S.C. §1332(a)(2) is a question of first impression in the courts of appeals. The two district courts other than the district court below which have addressed the question have reached seemingly different

conclusions. In *Aguirre v. Nagel*, 270 F.Supp. 535 (E.D.Mich.1967), the plaintiff, a citizen of the United States and the State of Michigan, sued a Michigan citizen for injuries sustained when she was hit by the defendant's car. The court correctly ruled that the action was not one between citizens of different states under 28 U.S.C. §1332(a)(1). Nevertheless, the court did find jurisdiction under 28 U.S.C. §1332(a)(2) because the plaintiff's parents were citizens of Mexico and Mexico regarded her as a Mexican citizen by virtue of her parentage. The Aguirre court's opinion did no more than determine that the cause fell within the literal language of the statute without regard to the policies underlying alienage jurisdiction. As a result it has been questioned by the commentators, see 1 Moore's Federal Practice P 0.75(1.-1) at 709.4-.5 (2d ed. 1979); 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure §3621 at 759-60 (1975), and rejected by one other district court in addition to the court below. See *Raphael v. Hertzberg*, 470 F.Supp. 984 (C.D.Cal.1979).<sup>11</sup>

Raphael was decided after the district court's judgment being reviewed here, and, although it does not cite the Eastern District of Wisconsin's opinion, it reaches the same conclusion. In Raphael, the plaintiff was a British subject who recently had been naturalized in the United States. The plaintiff and the defendant were domiciled in California. The court rejected the plaintiff's position that his purported dual nationality permitted him access to the federal courts under alienage jurisdiction. In rejecting the authority of Aguirre, the court noted several possible objections to permitting naturalized Americans to assert their foreign citizenship:

To begin with, the holding in Aguirre violates the requirement of complete diversity (*Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, 2 L.Ed. 435 (1806)) since Aguirre, like the present case, involved opposing parties who were both American citizens and who resided in the same state. Moreover, where both parties are residents of the state in which the action is brought, there is no reason to expect bias from the state courts. Finally, so long as the party asserting diversity jurisdiction is an American citizen, there is little reason to fear that a foreign government may be affronted by a decision adverse to that citizen, even if the American citizen also purports to be a citizen of that foreign nation. See *Blair Holdings Corporation v. Rubenstein*, 133 F.Supp. 496, 500 (S.D.N.Y.1955).

**The rule proposed by the plaintiff would give naturalized citizens nearly unlimited access to the federal courts, access which has been denied to native-born citizens. Such favored treatment is unsupported by the policies underlying 28 U.S.C. §1332(a)(2). Finally, a new rule that would extend the scope of § 1332 is particularly undesirable in light of the ever-rising level of criticism of the very concept of diversity jurisdiction.**

Although the issue facing the courts in Aguirre and Raphael is the same as the one presented here, the facts in this case are somewhat different. All commentators addressing the issue have noted the anomaly of permitting an American citizen claiming dual citizenship to obtain access to the federal court under 28 U.S.C. §1332(a)(2) when suing a citizen domiciled in the same state. See 1 Moore's Federal Practice P 0.75(1.-1) at 709.4-.5 (2d ed. 1979):

This result is inconsistent with the complete diversity rule of *Strawbridge v. Curtiss*, . . . including the analogous situation of a suit between a citizen of State A and a corporation chartered in State B with its principal place of business in State A. Both state citizenships of the corporation must be considered and diversity is thus found lacking.

See also 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure §3621 at 759-60 (1975).<sup>12</sup> In the present case, however, the plaintiff was domiciled abroad when he initiated this action and therefore was not a citizen of any state. Thus, permitting suit under alienage jurisdiction would not run counter to the complete diversity considerations which arguably should have controlled the decisions in Aguirre and Raphael.<sup>13</sup>

The plaintiff seizing upon this factual difference would apparently have this court recognize his dual nationality for purposes of 28 U.S.C. §1332 in much the same way corporations are regarded as having dual citizenship pursuant to 28 U.S.C. §1332(c). Because in this case, even applying the corporate citizenship analogy, the complete diversity requirement is satisfied, the plaintiff argues that jurisdiction under 28 U.S.C. §1332(a)(2) attaches. Such an approach, however, may be both too broad and too narrow and it ignores the paramount purpose of the alienage jurisdiction provision to avoid offense to foreign nations because of the possible appearance of injustice to their citizens. Imagine, for example, a native-born American, born of Japanese parents, domiciled in the State of California, and now engaged in international trade. A dispute could arise in which an Australian customer seeks to sue the American for, say, breach of contract in a federal court in California. The native-born American possibly could claim Japanese citizenship by virtue of his parentage, see, e. g., *Kawakita*, *supra*, *Hirabayashi*, *supra*, as well as his status as a citizen of California and defeat the jurisdiction of the federal courts because of the absence of complete diversity. Arguably, cases such as this are precisely those in which a federal forum should be afforded the foreign litigant in the interest of preventing international friction.

This hypothetical suggests that the analogy to the dual citizenship of corporations should not be controlling. Instead, the paramount consideration should be whether the purpose of alienage jurisdiction to avoid international discord would be served by recognizing the foreign citizenship of the dual national. Because of the wide variety of situations in which dual nationality can arise, see note 10 *supra*, perhaps no single rule can be controlling. **Principles establishing the responsibility of nations under**



international law with respect to actions affecting dual nationals, however, suggest by analogy that ordinarily, as the district court held, only the American nationality of the dual citizen should be recognized under 28 U.S.C. §1332(a).

Under international law, a country is responsible for official conduct harming aliens, for example, the expropriation of property without compensation. See Restatement (Second) of the Foreign Relations Law of the United States §§ 164-214 (1965). It is often said, however, that a state is not responsible for conduct which would otherwise be regarded as wrongful if the injured person, although a citizen of a foreign state, is also a national of the state taking the questioned action. See id. at § 171, comments b & c. This rule recognizes that in the usual case a foreign country cannot complain about the treatment received by one of its citizens by a country which also regards that person as a national. This principle suggests that the risk of "entanglements with other sovereigns that might ensue from failure to treat the legal controversies of aliens on a national level," Blair Holdings Corp. v. Rubinstein, 133 F.Supp. at 500, is slight when an American citizen is also a citizen of another country and therefore he ordinarily should only be regarded as an American citizen for purposes of 28 U.S.C. §1332(a). See 13 C. Wright, A. Miller, & E. Cooper, Federal Practice and Procedure §3621 at 760 (1975) (risk of foreign country complaining about treatment of dual national is probably minimal); Currie, The Federal Courts and the American Law Institute, 36 U.Chi.L.Rev. 1, 10 n.50 (1968) ("Dual American and foreign citizenship could most simply be dealt with by treating the litigant as an American: . . . fear of foreign embarrassment seems excessive.").

Despite the general rule of nonresponsibility under international law for conduct affecting dual nationals, there are recognized exceptions. One is the concept of effective or dominant nationality. As qualified by the Restatement, this exception provides that a country (respondent state) will be responsible for wrongful conduct against one of its citizens whose dominant nationality is that of a foreign state, that is,

(i) his dominant nationality, by reason of residence or other association subject to his control (or the control of a member of his family whose nationality determines his nationality) is that of the other state and (ii) he (or such member of his family) has manifested an intention to be a national of the other state and has taken all reasonably practicable steps to avoid or terminate his status as a national of the respondent state.

Restatement (Second) of the Foreign Relations Law of the United States § 171(c) (1965). Although, in the ordinary case a foreign country cannot complain about the treatment received by a citizen who is also a national of the respondent state, in certain cases the respondent state's relationship to the person is so remote that the individual is entitled to protection from its actions under international law. Assuming arguendo that a dual national whose dominant nationality is that of a foreign country should be regarded as a "citizen or subject of a foreign state" within the meaning of 28 U.S.C. §1332(a)(2), the record establishes that the plaintiff's Egyptian nationality is not dominant.

Although at the time of the filing of his complaint in 1976 the plaintiff resided in Egypt, his voluntary naturalization in the United States in 1973 indicates that his dominant nationality is not Egyptian.<sup>14</sup> As part of the naturalization process he swore allegiance to the United States and renounced any to foreign states. His actions subsequent to his naturalization evince his resolve to remain a U.S. citizen despite his extended stay abroad. Thus, it cannot be said that he "has taken all reasonably practicable steps to avoid or terminate his status as a national." Restatement (Second) of the Foreign Relations Law of the United States § 171(c)(ii) (1965). The plaintiff registered with the U.S. Embassy during his stays in Lebanon and Egypt. He states that he voted by absentee ballot in the 1976 presidential election. He has insisted that throughout his foreign travels he retained his U.S. citizenship<sup>15</sup> and in fact did not seek employment opportunities that may have been available in Egypt because they might have jeopardized his status as a U.S. citizen. See 8 U.S.C. §1481(a)(4).<sup>16</sup> His actions, therefore, manifest his continued, voluntary association with the United States and his intent to remain an American. Certainly neither he nor the government of Egypt can complain if he is not afforded a federal forum when the same would be denied a similarly situated native-born American.

[. . .]

## VI. Conclusion

Our decision that this suit is not within the jurisdiction of the federal courts does not necessarily mean that it is outside the constitutional definition of the federal judicial power. Compare *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267, [2 L.Ed. 435 \(1806\)](#) with *State Farm Fire & Casualty Co. v. Tashire*, [386 U.S. 523, 530-31, 87 S.Ct. 1199, 1203, 18 L.Ed.2d. 270 \(1967\)](#) (complete diversity is a statutory, not a constitutional requirement). It merely means that the suit is unauthorized by 28 U.S.C. §1332(a) as we have construed it. The statutory terms "citizens of different States" and "citizens or subjects of a foreign state" are presumably amenable to some congressional expansion consistent with the constitutional limitations on the judicial power if Congress sees the need for such expansion. See *National Mutual Insurance Co. v. Tidewater Transfer Co.*, [337 U.S. 582, 69 S.Ct. 1173, 93 L.Ed. 1556 \(1949\)](#). The judgment of the district court is Affirmed. [*Sadat v. Mertes*, 615 F.2d. 1176 (C.A.7 (Wis.), 1980)]

For those who doubt the analysis in the preceding table relating to the jurisdiction of federal courts either abroad or in a state of the Union, consider two similar cases and how they were treated differently and inconsistently by the U.S. Supreme Court:

1. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) was a case about an American born in a constitutional state, domiciled in Venezuela, and therefore what they called a “stateless person” who could not be sued in federal court.
2. Cook v. Tait, 265 U.S. 47 (1924) was about an American domiciled abroad in Mexico but born in a constitutional state of the Union. Instead of calling him a “stateless person” like they did in Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989), they instead:
  - 2.1. Called him a “citizen of the United States”.
  - 2.2. Said they had jurisdiction over the matter, even though he was stateless and immune from federal jurisdiction.
  - 2.3. Said their jurisdiction derived from NEITHER his domicile NOR his nationality.
  - 2.4. Refused to identify WHERE there jurisdiction came from. There was neither a CONSTITUTIONAL source nor even a STATUTORY source to derive it from.
  - 2.5. Allowed and condoned and even protected Cook to commit the crime of impersonating a STATUTORY “citizen of the United States” in violation of 18 U.S.C. §911 before he could even invoke their jurisdiction to speak on the matter. We think Cook was a plant hired by Former President and then Supreme Chief Justice William Howard Taft specifically to extend his newly ratified 16<sup>th</sup> Amendment to the ENTIRE WORLD rather than just within federal territory, as it was previous to Cook v. Tait.
3. Why did they treat two “similarly situated parties” in Cook and Newman-Green completely differently in the context of their jurisdiction? The answer is:
  - 3.1. Money (taxes) was involved, and they wanted an excuse to STEAL it.
  - 3.2. In order to STEAL it, they had to allow Cook to CONSENT or VOLUNTEER for the civil status of a territorial (8 U.S.C. §1401) citizen, even though he was not one, just in order to get any remedy at all for illegal assessment and collection by a rogue bureau (I.R.S.) that in fact had no lawful authority to even EXIST and is not even part of the U.S. Government nor listed under Title 31 of the U.S. Code. See:

*Origins and Authority of the Internal Revenue Service*, Form #05.005

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

- 3.3. They knew that Congress could not legislate extraterritorially because of the limitations of the Law of Nations upon their authority.
- 3.4. They knew that the ONLY way such a bold THEFT could be canonized was for the U.S. Supreme Court, under the auspices of Chief Justice Taft, to essentially violate the separation of powers by essentially WRITING a new law, meaning “case law”, that allowed the tax code to reach any place in the entire world to nonresident foreign domiciled parties.

If you want a detailed analysis of the above SCAM, see:

*Federal Jurisdiction*, Form #05.018, Section 4

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

Our most revered founding father predicted the courts would be the source of corruption, as they were above, when he said:

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

*"We all know that permanent judges acquire an esprit de corps; that, being known, **they are liable to be tempted by bribery; that they are misled by favor, by relationship, by a spirit of party, by a devotion to the executive or legislative;** that it is better to leave a cause to the decision of cross and pile than to that of a judge biased to one side; and that the opinion of twelve honest jurymen gives still a better hope of right than cross and pile does."*  
[Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]

*"It is not enough that honest men are appointed judges. All know the influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the esprit de corps, of their peculiar maxim and creed that 'it is the office of a good judge to enlarge his jurisdiction,' and the absence of responsibility, and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear?"*  
[Thomas Jefferson: Autobiography, 1821. ME 1:121 ]

1 "At the establishment of our Constitutions, the judiciary bodies were supposed to be the most helpless and  
2 harmless members of the government. Experience, however, soon showed in what way they were to become the  
3 most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and  
4 irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and  
5 unheeded by the public at large; that these decisions nevertheless become law by precedent, sapping by little and  
6 little the foundations of the Constitution and working its change by construction before any one has perceived  
7 that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not  
8 made to be trusted for life if secured against all liability to account."  
9 [Thomas Jefferson to A. Coray, 1823. ME 15:486 ]

10 "I do not charge the judges with willful and ill-intentioned error; but honest error must be arrested where its  
11 toleration leads to public ruin. As for the safety of society, we commit honest maniacs to Bedlam; so judges  
12 should be withdrawn from their bench whose erroneous biases are leading us to dissolution. It may, indeed,  
13 injure them in fame or in fortune; but it saves the republic, which is the first and supreme law."  
14 [Thomas Jefferson: Autobiography, 1821. ME 1:122 ]

15 "The original error [was in] establishing a judiciary independent of the nation, and which, from the citadel of  
16 the law, can turn its guns on those they were meant to defend, and control and fashion their proceedings to its  
17 own will."  
18 [Thomas Jefferson to John Wayles Eppes, 1807. FE 9:68 ]

19 "It is a misnomer to call a government republican in which a branch of the supreme power [the Federal  
20 Judiciary] is independent of the nation."  
21 [Thomas Jefferson to James Pleasants, 1821. FE 10:198 ]

22 "It is left... to the juries, if they think the permanent judges are under any bias whatever in any cause, to take  
23 on themselves to judge the law as well as the fact. They never exercise this power but when they suspect  
24 partiality in the judges; and by the exercise of this power they have been the firmest bulwarks of English  
25 liberty."  
26 [Thomas Jefferson to Abbe Arnoux, 1789. ME 7:423, Papers 15:283 ]

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

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

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

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

46 You can read many other wise quotes by Jefferson at:

Thomas Jefferson on Politics and Government  
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>

47 Finally, the following memorandum of law identifies how to successfully challenge federal jurisdiction as a  
48 CONSTITUTIONAL citizen or "state citizen" not domiciled in the STATUTORY "United States"/federal territory:

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

## 16. CITIZENSHIP STATUS IN GOVERNMENT RECORDS

Your citizenship status is represented in the Social Security NUMIDENT record maintained by the Social Security Administration. The field called “CSP” within NUMIDENT contains a one character code that represents your citizenship status. Valid CSP values are as follows:

**Table 25: SSA NUMIDENT CSP Code Values**

#	CSP Code Value	Statutory meaning	Constitutional meaning
1	A	U.S. citizen (per 8 U.S.C. §1401)	None
2	B	Legal Alien Allowed to Work	Alien (foreign national)
3	C	Legal Alien Not Allowed to Work	Alien (foreign national)
4	D	Other	“citizen of the United States***” or “Citizen” under the Constitution but not federal statutes.

The use of “Other” to represent state citizens corresponds with the same kind of trickery used on the W-9 Form. Before 2011, they provided an “Exempt” checkbox for use by citizens to exempt state citizens or state nationals from tax withholding.

**Figure 6: IRS Form W-9, 2011**

In 2011, they removed the Exempt check box from the W-9 Form, thus forcing people who want to be exempt to write the following in “Other” block:

“Exempt payee. See 26 C.F.R. §1.1441-1(d). No withholding or reporting. See: <https://sedm.org/Forms/04-Tax/0-CorrErrInfoRtns/CorrErrInfoRtns.pdf>”

Below is a capture of the current appearance of the OTHER block on the IRS Form W-9. Obviously, they want to make it difficult to be a nontaxpayer.

**Figure 7: IRS Form W-9, 2017**

# Request for Taxpayer Identification Number and Certification

Give Form to the  
requester. Do not  
send to the IRS.

Print or type in Instructions on page 2.	1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	2 Business name/disregarded entity name, if different from above	
	3 Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ <input type="text"/> <b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ <input type="text"/>	
	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) <input type="text"/> Exemption from FATCA reporting code (if any) <input type="text"/> <small>(Applies to accounts maintained outside the U.S.)</small>	

Information about the NUMIDENT RECORD is as follows:

1. The NUMIDENT record derives from what was filled out on:
    - 1.1. Section 1 of the I-9 Form, which includes four citizenship status. See: <https://www.uscis.gov/i-9>
    - 1.2. The SSA Form SS-5, Block 5. See: <http://www.ssa.gov/online/ss-5.pdf>
  2. One's citizenship status is encoded within the NUMIDENT record using the "CSP code" within the Numident record. This code is called the "citizenship code" by the Social Security administration.
  3. Like all government forms, the terms used on the SSA Form SS-5 use the STATUTORY context, not the CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SSA Form SS-5 should be filled out with "Other", which means you are a CONSTITUTIONAL and STATUTORY national.
  4. Those who are NONE of the following and instead are CONSTITUTIONAL but not CIVIL citizens should have a "CSP code" of D in their NUMIDENT record and check "Other" on both the SS-5 form, block 5 and the I-9 Form Section 1.
    - 4.1. POLITICAL "nationals and citizens of the United States\*" at birth per 8 U.S.C. §1401 or 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1(c).
    - 4.2. POLITICAL "non-citizen nationals of the United States\*\* at birth" per 8 U.S.C. §1408 and 8 U.S.C. §1452.
    - 4.3. POLITICAL "nationals of the United States\*" who are also STATUTORY "citizens" per 8 U.S.C. §1101(a)(22)(A).
    - 4.4. POLITICAL "alien" per 8 U.S.C. §1101(a)(3).
- The comment field of the NUMIDENT record should also be annotated with the following to ensure that it is not changed during an audit because of confusion on the part of the SSA employee:

*"CSP Code D not designated in error-- applicant is a "national of the United States OF AMERICA", by virtue of birth or naturalization in a constitutional state. He/she owes permanent allegiance to the United States OF AMERICA" and not the STATUTORY "United States" (federal territory) and has a domicile and residence in a legislatively but not constitutionally foreign state and/or a state of the Union for the purposes of the Social Security Act. He/she is a NON-RESIDENT NON-PERSON in relation to the STATUTORY "United States", meaning federal territory or enclaves within the states."*

5. By checking "Other" on the SS-5 Form Block 5 corresponding for a CSP code of "D":
  - 5.1. You are indicating that you are NOT eligible for Social Security, which means you can't participate to receive benefits. It is a fact that Social Security cannot lawfully be offered within a constitutional state. See: [Why You Aren't Eligible for Social Security](https://sedm.org/Forms/FormIndex.htm), Form #06.001
  - 5.2. Your application will be governed by the instructions for the SS-5 Form, which say the following about checking "Other":

*"5. If you check "Legal Alien Not Allowed to Work" or "Other," you must provide a document from a U.S. Federal, State, or local government agency that explains why you need a Social Security Number and that you meet all the requirements for the government benefit. NOTE: Most agencies do not require that you have a Social Security Number. Contact us to see if your reason qualifies for a Social Security Number."*  
[SS-5 Form Instructions; SOURCE: <https://www.ssa.gov/forms/ss-5.pdf>]



The main valid reason for filling out the SS-5 is to get a number for use as a credit device and NOT to receive any benefits. Remember: The SS-5 Form is an application for a CARD, not for “benefits”. The implication is that you can use it to create a new number or change the status of an existing number that is INELIBIBLE for benefits and may only be used for banking or credit purposes.

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

Guide to Freedom of Information Act, Social Security Administration

[http://www.ssa.gov/foia/html/foia\\_guide.htm](http://www.ssa.gov/foia/html/foia_guide.htm)

7. Information in the NUMIDENT record is shared with:

7.1. Department of Homeland Security (D.H.S.).

7.2. State Department of Motor Vehicles in verifying SSNs.

7.3. E-Verify.

About E-Verify, Form #04.107

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

8. A request for the Social Security Program Operations Manual System sections dealing with the meaning of the CSP codes returned the following:

Social Security Admin. FOIA for CSP Code Values, Exhibit #01.011

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

9. For a report on Social Security FOIA procedures, see:

Social Security Administration Freedom of Information Act Response Process, Form #03.029

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

10. The procedures for requesting NUMIDENT information using the Freedom Of Information Act (F.O.I.A.) or Privacy Act are described in:

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

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

It is quite clear from examining the FOIA response in item 8 above that:

1. The Social Security Administration knows they are engaging in massive criminal identity theft of people in states of the Union as documented in the following:

Government Identity Theft, Form #05.046

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

2. They have CLASSIFIED the evidence that would prove the fraud and theft in their systems of records under the false pretense that they are protecting their information systems. Of course, the REAL fraud they are protecting is their own, rather than from external sources. Here is precisely what they said:

*“The Federal Information Security Management Act of 2002 (FISMA) (44 U.S.C. §3541) prohibits us from disclosing this information to you. The FISMA provides a comprehensive framework for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets. The FISMA requires us to develop, document, and implement an agency-wide program to provide information security for our information and information systems. As such, the section of our Program Operations Manual that explains the Numident data fields contains sensitive information and its release would increase the opportunity of fraud as well as pose cyber-security risks to our networks. The FOIA does not require disclosure when another law prohibits (5 U.S.C. §552(b)(3)).”*

*[Social Security Admin. FOIA for CSP Code Values, Exhibit #01.011;SOURCE:*

*<https://sedm.org/Exhibits/ExhibitIndex.htm>]*

3. A FOIA lawsuit may be needed to compel them to disclose this information. Otherwise, there may be no way to determine EXACTLY what type of citizenship THEY think you have and exactly what legal status this corresponds with in Title 8 of the U.S. Code.

Those who are CONSTITUTIONAL but not STATUTORY citizens and who wish to change the citizenship status reflected in the NUMIDENT record to a CSP code value of “D” may do so by executing both of the following methods:

1. Visiting the local Social Security Administration office and getting the clerk to change the record.

1.1. Submit a replacement Form SS-5 with Block 5 checked as Other.

1.2. Bring witnesses in case they resist.

1.3. Audio and/or video record the event as legal evidence in case there is a confrontation or resistance.

1.4. For a description of the confrontational nature of such a visit, see:

*Trip to SS office leads to Homeland Security?*, SEDM Forums, Forum 2.1.2  
<https://sedm.org/forums/topic/trip-to-ss-office-leads-to-homeland-security/>

2. Sending in the following document:

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

For more information on this fraud, see section 15.13 earlier.

## **17. PRACTICAL APPLICATION: AVOIDING AND PROSECUTING GOVERNMENT IDENTITY THEFT AND LEGAL KIDNAPPING CAUSED BY CONFUSION OF CONTEXTS**

Confusion over citizenship terms is only one of many different types of government identity theft. In the following subsections, we will describe how to prevent government criminal identity theft related to citizenship terms. If you would like a details described of ALL of the ways that government identity theft occurs and how to prevent and prosecute it, we highly recommend the following:

*Government Identity Theft*, Form #05.046  
<http://sedm.org/Forms/FormIndex.htm>

### **17.1 How to Describe Your Citizenship on Government Forms and Correspondence**

In the following sections, we will share the results of our collective latest research and how they fit together perfectly in the overall puzzle. We have concluded the following:

1. A Citizen of one of the 50 states is a United States\*\*\* citizen\* per the Fourteenth Amendment and a "national of the United States\*\*\* of America".
2. A Citizen of one of the 50 states is a United States\*\*\* citizen per the Fourteenth Amendment and an "An alien authorized to work" for the purposes of U.S.C.I.S. Form I-9 so long as he/she maintains a domicile (actual or declared) in one of the 50 states or outside of the United States\*\*.

You will have trouble when you try to explain your citizenship on government forms based on the content of this paper because:

1. IRS, SSA, and the Department of State do not put all of the options available for citizenship on their forms.
2. Most people falsely PRESUME that "United States" as used in the phrase "citizen of the United States" means the whole country for EVERY enactment of Congress but they won't expose this presumption.
3. The use of the term "citizenship" on government forms intentionally confuses "nationality" with "domicile" in an attempt to make them appear equal, when in fact they are NOT.
4. Government forms often mix requests for information from multiple titles of the Code and do not distinguish which title they mean on the form. For instance, "United States" in Title 26 means federal territory (U.S.\*\*\*) while "United States" in other Titles or in the Constitution itself often means states of the Union (U.S. \*\*\*).

We will clarify in the following sections techniques for avoiding the above road blocks.

#### **17.1.1 Overview**

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

1. Keep in mind the following facts about all government forms:
  - 1.1. Government forms ALWAYS imply the LEGAL/STATUTORY rather than POLITICAL/CONSTITUTIONAL status of the party in the context of all franchises, including income taxes and social security.

- 1.2. "Alien" on government forms always means a person born or naturalized in a foreign country.
- 1.3. The Internal Revenue Code does NOT define the term "nonresident alien". The closest thing to a definition is that found in 26 U.S.C. §7701(b)(1)(B), which defines what it ISN'T, but NOT what it IS. If you look on IRS Form W-8BEN, Block 3, you can see that there are many different types of entities that can be nonresident aliens, none of which are EXPRESSLY included in the definition at 26 U.S.C. §7701(b)(1)(B). It is therefore IMPOSSIBLE to conclude based on any vague definition in the Internal Revenue Code that a specific person IS or IS NOT a "nonresident alien."
- 1.4. On tax forms, the term "nonresident alien" is NOT a subset of the term "alien", but rather a SUPERSET. It includes both FOREIGN nationals domiciled in a foreign country and also those in Constitutional states of the Union. A "national of the United States\*", for instance, although NOT an "alien" under Title 8 of the U.S. Code, is a "nonresident alien" under Title 26 of the U.S. Code if engaged in a public office or a "non-resident non-person" if exclusively PRIVATE and not engaged in a public office. Therefore, a "nonresident alien" is a "word of art" designed to confuse people, and the fact that uses the word "alien" doesn't mean it IS an "alien". This is covered in:

Flawed Tax Arguments to Avoid, Form #08.004, Section 9.1.2

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

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

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

Reasonable Belief About Income Tax Liability, Form #05.007

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

- 2.2. That nationality and domicile are synonymous.
- 2.3. That "nonresident aliens" are a SUPERSET of "aliens" within the Internal Revenue Code.
- 2.4. That the term "United States" has the SAME meaning in Title 8 of the U.S. Code as it has in Title 26.
- 2.5. That a Fourteenth Amendment "citizen of the United States" is equivalent to any of the following:
- 2.5.1. 8 U.S.C. §1401 "national and citizen of the United States".
- 2.5.2. 26 C.F.R. §1.1-1 "citizen".
- 2.5.3. 26 U.S.C. §3121(e) "citizen of the United States".
- All of the above statuses have similar sounding names, but they rely on a DIFFERENT definition of "United States" from that found in the U.S.A. Constitution.

- 2.6. That you can be a statutory "taxpayer" or statutory "citizen" of any kind WITHOUT your consent. See:

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

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

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

*"See attached mandatory Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001"*

and then attach the following completed form:

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

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

- 3.2. If you don't want to include an attachment, add the following mandatory language to the form that you are a:

- 3.2.1. A "Citizen and national of \_\_\_\_ (statename)"
- 3.2.2. NOT a statutory "national and citizen of the United States" or "U.S. citizen" per 8 U.S.C. §1401
- 3.2.3. A constitutional or Fourteenth Amendment Citizen.
- 3.2.4. A statutory "non-resident non-person" for the purposes of the federal income tax.

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

I-9 Form Amended, Form #06.028

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

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

About E-Verify, Form #04.107

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

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

*Legal Notice of Change in Domicile/Citizenship Records and Divorce from the United States*, Form #10.001

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

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

8.1. *Who are “Taxpayers” and Who Needs a “Taxpayer Identification Number”?*, Form #05.013

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

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

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

8.3. *Resignation of Compelled Social Security Trustee*, Form #06.002-use this form to quit Social Security lawfully.

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

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

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

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

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

*Tax Form Attachment*, Form #04.201

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

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

*Voter Registration Attachment*, Form #06.003

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

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

*USA Passport Application Attachment*, Form #06.007

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

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

*Federal Pleading/Motion/Petition Attachment*, Litigation Tool #01.002

<http://sedm.org/Litigation/LitIndex.htm>

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

*SEDM Forms Page*

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

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

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

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

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

*About IRS Form W-8BEN*, Form #04.202

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

15.4. Entirely avoid the use of the phrase “United States”, because it has so many different and mutually exclusive meanings in the U.S. code and state law. Instead, replace this phrase with the name of the state you either are physically present within or with “USA” and then define that “USA” includes the states of the Union and excludes

federal territory. For instance, you could say “Citizen of California Republic” and then put an asterisk next to it and at the bottom of the page explain the asterisk as follows:

*\* NOT a citizen of the **STATE** of California, which is a corporate extension of the federal government, but instead a sovereign human physically present within but not associated with the California Republic*

*California Revenue and Taxation Code, Section 6017 defines “State of” as follows:*

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

- 15.5. Never use the word “residence”, “permanent address”, or “domicile” in connection with either the term “United States”, or the name of the state you are in.
- 15.6. If someone else refers to you improperly, vociferously correct them so that they are prevented from making presumptions that would injure your rights.
- 15.7. Avoid words that are undefined in statutes that relate to citizenship. Always use words that are statutorily defined and if you can’t find the definition, define it yourself on the form or correspondence you are sending. Use of undefined words encourages false presumptions that will eventually injure your rights and give judges and administrators discretion that they undoubtedly will abuse to their benefit. There isn’t even a common definition of “citizen of the United States” or “U.S. citizen” in the standard dictionary, then the definition of “U.S. citizen” in all the state statutes and on all government forms is up to us! Therefore, once again, whenever you fill out any kind of form that specifies either “U.S. citizen” or “citizen of the United States”, you should be very careful to clarify that it means “national” under 8 U.S.C. §1101(a)(21) or you will be “presumed” to be a federal CIVIL citizen, and this is one of the biggest injuries to your rights that you could ever inflict. Watch out folks! Here is the definition we recommend that you use on any government form that uses these terms that makes the meaning perfectly clear and unambiguous:

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

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

16. Citizenship status in Social Security NUMIDENT record:

- 16.1. The NUMIDENT record derives from what was filled out on the SSA Form SS-5, Block 5. See:

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

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

- 16.3. Like all government forms, the terms used on the SSA Form SS-5 use the STATUTORY context, not the CONSTITUTIONAL context for all citizenship words. Hence, block 5 of the SSA Form SS-5 should be filled out with “Other”, which means you are a non-resident. This is consistent with the definition of “individual” found in 26 C.F.R. §1.1441-1(c)(3), which defines the term to include ONLY STATUTORY “aliens”.

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

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

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

Guide to Freedom of Information Act, Social Security Administration  
[http://www.ssa.gov/foia/html/foia\\_guide.htm](http://www.ssa.gov/foia/html/foia_guide.htm)

- 16.6. Information in the NUMIDENT record is shared with:

- 16.6.1. The Department of Homeland Security (D.H.S.).  
16.6.2. State Department of Motor Vehicles in verifying SSNs.  
16.6.3. E-Verify.



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

16.7. The procedures for requesting NUMIDENT information using the Freedom Of Information Act (F.O.I.A.) or Privacy Act are described in:

Social Security Program Operations Manual System (P.O.M.S.), Section RM 00299.005 Form SSA-L669  
Request for Evidence in Support of an SSN Application — U.S.-Born Applicant  
<https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0100299005>

### **17.1.2 Tabular summary of citizenship status on all federal forms**

The table on the next page resurrects and expands upon the table found earlier in section 14.4. It presents a tabular summary of each permutation of nationality and domicile as related to the major federal forms and the Social Security NUMIDENT record.

1

2

**Table 26: Tabular Summary of Citizenship Status on Government Forms**

#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDEN T Status	Status on Specific Government Forms			
						<a href="#">Social Security SS-5 Block 5</a>	<a href="#">IRS Form W-8 Block 3</a>	<a href="#">Department of State I-9 Section 1</a>	<a href="#">E-Verify System</a>
1	"national and citizen of the United States** at birth" or "U.S.** citizen"	Political "United States" pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29)	District of Columbia, Puerto Rico, Guam, Virgin Islands	8 U.S.C. §1401; 8 U.S.C. §1101(a)(22)(A)	CSP=A	"U.S. Citizen"	Can't use Form W-8	"A citizen of the United States"	See Note 2.
2	"non-citizen national of the United States** at birth" or "U.S.** national"	Statutory "United States" pursuant to 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) or in the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29)	American Samoa; Swains Island; or abroad to U.S. national parents under 8 U.S.C. §1408(2)	8 U.S.C. §1101(a)(22)(B); 8 U.S.C. §1408; 8 U.S.C. §1452	CSP=B	"Legal alien authorized to work. (statutory)"	"Non-resident NON-person Nontaxpayer" if PRIVATE "Individual" if PUBLIC officer	"A non-citizen national of the United States**"	See Note 2.
3.1	"U.S.A.*** national" or "state national" or "Constitutional but not statutory citizen"	Constitutional Union state	State of the Union	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=D	"Other (8 U.S.C. §1101(a)(21))"	"Non-resident NON-person Nontaxpayer"	"A citizen of the United States***. Not a "citizen of the United States***" under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401"	See Note 2.
3.2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory citizen"	Constitutional Union state	Foreign country	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=D	"Other (8 U.S.C. §1101(a)(21))"	"Non-resident NON-person Nontaxpayer"	"A citizen of the United States***. Not a "citizen of the United States***" under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401"	See Note 2.

#	Citizenship status	Place of birth	Domicile	Defined in	Social Security NUMIDEN T Status	Status on Specific Government Forms			
						<a href="#">Social Security SS-5 Block 5</a>	<a href="#">IRS Form W-8 Block 3</a>	<a href="#">Department of State I-9 Section 1</a>	<a href="#">E-Verify System</a>
3.3	“U.S.A.*** national” or “state national” or “Constitutional but not statutory citizen”	Constitutional Union state	Foreign country	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1	CSP=D	“Other (8 U.S.C. §1101(a)(21))”	“Non-resident NON-person Nontaxpayer”	“A citizen of the United States***. Not a “citizen of the United States***” under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401”	See Note 2.
3.4	Statutory “citizen of the United States***” or Statutory “U.S.** citizen”	Constitutional Union state	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(21); 14 <sup>th</sup> Amend., Sect. 1; 8 U.S.C. §1101(a)(22)(A)	CSP=A	“U.S. Citizen”	Can’t use Form W-8	“A citizen of the United States***”	See Note 2.
4.1	“alien” or “Foreign national”	Foreign country	Puerto Rico, Guam, Virgin Islands, American Samoa, Commonwealth of Northern Mariana Islands	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	“Legal alien authorized to work. (statutory)”	“Non-resident NON-person Nontaxpayer” if PRIVATE “Individual” if PUBLIC officer	“A lawful permanent resident” OR “An alien authorized to work”	See Note 2.
4.2	“alien” or “Foreign national”	Foreign country	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	“Legal alien authorized to work. (statutory)”	“Non-resident NON-person Nontaxpayer”	“A lawful permanent resident” OR “An alien authorized to work”	See Note 2.
4.3	“alien” or “Foreign national”	Foreign country	State of the Union	8 U.S.C. §1101(a)(21); 8 U.S.C. §1101(a)(3)	CSP=B	“Legal alien authorized to work. (statutory)”	“Non-resident NON-person Nontaxpayer”	“A lawful permanent resident” OR “An alien authorized to work”	See Note 2.
4.4	“alien” or “Foreign national”	Foreign country	Foreign country	8 U.S.C. §1101(a)(21)	CSP=B	“Legal alien authorized to work. (statutory)”	“Non-resident NON-person Nontaxpayer”	“A lawful permanent resident” OR “An alien authorized to work”	See Note 2.
4.5	“alien” or “Foreign national”	Foreign country	Foreign country	8 U.S.C. §1101(a)(21)	CSP=B	“Legal alien authorized to work. (statutory)”	“Non-resident NON-person Nontaxpayer”	“A lawful permanent resident” OR “An alien authorized to work”	See Note 2.

## NOTES:

1. "United States" is described in 8 U.S.C. §1101(a)(38), (a)(36) and 8 C.F.R. §215.1(f) and includes only federal territory and possessions and excludes all Constitutional Union states. This is a product of the separation of powers doctrine that is the heart of the United States Constitution.
2. E-Verify CANNOT be used by those who are NOT lawfully engaged in a public office in the U.S. government at the time of making application. Its use is VOLUNTARY and cannot be compelled. Those who use it MUST have a Social Security Number or Taxpayer Identification Number and it is ILLEGAL to apply for, use, or disclose said number for those not lawfully engaged in a public office in the U.S. government at the time of application. See:

Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205  
<http://sedm.org/Forms/FormIndex.htm>

3. For instructions useful in filling out the forms mentioned in the above table, see:

3.1. Social Security Form SS-5:

Why You Aren't Eligible for Social Security, Form #06.001  
<http://sedm.org/Forms/FormIndex.htm>

3.2. IRS Form W-8:

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

3.3. U.S.C.I.S. Form I-9:

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

3.4. E-Verify:

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

### 17.1.3 Diagrams of Federal Government processes that relate to citizenship

The diagrams at the link below show how your citizenship status is used and verified throughout all the various federal government programs.

Citizenship Diagrams, Form #10.010

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

DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>

Knowledge of these processes is important to ensure that all the government's records are properly updated to reflect your status as:

1. A Constitutional "Citizen" as mentioned in [Article I, Section 2, Clause 2 of the United States Constitution](#).
2. A Constitutional "citizen of the United States" per the [Fourteenth Amendment](#).
3. A state national under [8 U.S.C. §1101\(a\)\(21\)](#).
4. "Subject to THE jurisdiction" of the CONSTITUTIONAL United States, meaning subject to the POLITICAL and not LEGISLATIVE jurisdiction of the Constitutional but not STATUTORY "United States".

*"This section contemplates two sources of citizenship, and two sources only, birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union and NOT the national government] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."*

*[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456; 42 L.Ed. 890 (1898)]*

5. With a Social Security NUMIDENT citizenship status of:

5.1. OTHER than "CSP=A". Social Security Program Operations Manual System (P.O.M.S.), Section GN 03313.095 indicates that those who are NOT STATUTORY "U.S. citizens" have a CSP code value of OTHER than "A".

See:

*Social Security Program Operations Manual System (P.O.M.S.), Section GN 03313.095, dated 4/27/2009, Exhibit #01.012*  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

5.2. "CSP=D", which correlates with "not a citizen of the United States\*\*".

6. NOT any of the following:

6.1. A "U.S.\*\* citizen\*" or "citizen\* of the United States\*\*" on any federal form. All government forms presume the CIVIL and not POLITICAL context for terms. For an enumeration of all the statuses one can have and their corresponding status on federal forms, see:

*Citizenship Status v. Tax Status*, Form #10.011, Section 8  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>

6.2. CIVIL "U.S.\*\* citizen\*\*+D" per [26 U.S.C. §3121](#)(e), and 26 C.F.R. §1.1-1(c).

6.3. POLITICAL "national but not citizen of the United States AT BIRTH" per [8 U.S.C. §1408](#).

6.4. CIVIL "[U.S. person](#)" per [26 U.S.C. §7701](#)(a)(30). All STATUTORY "[U.S. persons](#)", "[persons](#)", and "[individuals](#)" within the Internal Revenue Code are government instrumentalities and/or offices within the U.S. government, and not biological people. This is proven in:

*Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes*, Form #05.008  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyThiefOrPubOfficer.pdf>



#### 17.1.4 How the corrupt government CONCEALS and OBFUSCATES citizenship information on government forms to ENCOURAGE misapplication of federal franchises to states of the Union

The following key omissions from government forms are deliberately implemented universally by federal agencies as a way to encourage and even mandate the MISAPPLICATION of federal law to legislatively foreign jurisdictions and to KIDNAP your legal identity and transport it stealthily and without your knowledge to the District of Criminals:

1. Not describing WHICH context they are using geographical terms within: POLITICAL or CIVIL.
2. Refusing to define WHICH of the three "United States" they mean in EACH option presented, as described by the U.S. Supreme Court in *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945) and described earlier in section 1.5.

In addition, the Social Security Administration (S.S.A.) deliberately conceals key information about citizenship in their Program Operations Manual System (POMS) in order to encourage the misapplication of federal franchises to places they may not be offered or enforced, which is states of the Union. The POMS is available at:

Social Security Program Operations Manual System (P.O.M.S.) Online  
<https://s044a90.ssa.gov/apps10/poms.nsf/partlist!OpenView>

Here are the obfuscation tactics you will encounter from the SSA:

1. If you ask the Social Security Administration WHAT all of the valid values are for the CSP code in your NUMIDENT record, they will pretend like they don't know AND they will refuse to find out.
2. If you visit a local Social Security Administration office and do demand to see and print out their complete NUMIDENT records on you, they will resist.
3. Key sections of the Program Operations Manual System (POMS) within the Records Manual (RM) are omitted from public view dealing with the meaning of "CSP code" and "IDN" code in their NUMIDENT records.
  - 3.1. The "CSP code", according to the SSA POMS, is a "citizenship code". It is defined in POMS RM 00208.001D.4, which is not available online.
  - 3.2. The "IDN code" appears to be an evidence code that synthesizes the CSP and other factors to determine your exact status. "RM 00202.235, Form SS-5 Evidence (IDN) Codes" describes this code and is not available online.
  - 3.3. BOTH POMS RM 00208.001D.4 AND RM 00202.235 sections are "conveniently omitted" from the online POMS because they are hiding something:

*Social Security Program Operations Manual System (P.O.M.S.)*, Section RM 002: The Social Security Number, Policy and General Procedures  
<https://s044a90.ssa.gov/apps10/poms.nsf/subchapterlist!openview&restricttocategory=01002>

If you want something to FOIA for, ask for the POMS sections and any other SSA internal documents that define these codes. SCUM BAGS!

Finally, HERE is how the POMS system describes how to request one's records from the SSA:

*Social Security Program Operations Manual System (P.O.M.S.)*, Section RM 00299.005 Form SSA-L669 Request for Evidence in Support of an SSN Application — U.S.-Born Applicant  
<https://s044a90.ssa.gov/apps10/poms.nsf/lnx/0100299005>

#### 17.1.5 The Social Security Administration and Form SS-5

Let us start with SSA Form SS-5, or what would be the nowadays equivalent of an SS-5 -- an agreement entered into as part of the birth registration process. There are multiple issues here. Each issue must be taken into consideration as this is where the whole tax snare is initiated. We know from *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898), that a person receives two conditions at birth which describe his complete legal condition -- nationality/political status, and domicile/civil status. SSA Form SS-5 is brilliantly constructed to take both of these issues into consideration by virtue of **Block 3 -- BIRTHPLACE**, and **Block 5 -- CITIZENSHIP**. **Block 3** and **Block 5** work together to paint a complete picture, which can be very unique depending on many factors. For example, there are American Nationals born in one of the 50 states, or born in Germany, or Canada. There are foreign nationals born in China or Italy who have since gone through the process of naturalization -- maybe they are domiciled in the United States\*\* or one of the 50 states (United States\*\*\*). There are former American Nationals

who have since expatriated (i.e. surrendered United States\*\*\* nationality). The point is that **Block 3 -- BIRTHPLACE** paints only part of the picture. The total status is only fully established when an applicable domicile is considered. But most importantly, the applicable jurisdiction changes depending on whether or not the person in consideration is an American National or a foreign national. This is key -- and this concept applies to U.S.C.I.S. Form I-9 also!

We know that Congress exercises plenary legislative jurisdiction over a foreign "national" occupying ANY portion of the territory of the United States\* (the nation). The nation has two territorial divisions, United States\*\*, and United States\*\*\*. A foreign national occupying either territorial subdivision is a LEGAL "alien," NOT TO BE CONFUSED with his status as a POLITICAL "alien" who may or may not be in the country LEGALLY. What I mean, is that a "legal alien" or an "illegal alien" are both considered to be a LEGAL "alien" within the context of law that is -- a LEGAL appellation. This is what the status is communicating. It is simply presenting a LEGAL status that can apply to anyone who happens to be "alien" to the jurisdiction at issue, whether here legally or not, or possessing a right-to-work status or not. The issue of whether or not the "alien" is here legally or not then commutes a right-to-work status. Conversely, an American National automatically has a right-to-work status by virtue of his/her American nationality. But the jurisdiction and the status of the American National is considered differently because Congress does not have legislative jurisdiction within the 50 states -- only subject matter jurisdiction. Thus, if an American National establishes a domicile in one of the 50 states, then he too is a LEGAL "alien" . . . not a POLITICAL "alien," but a LEGAL "alien" domiciled in a territorially foreign legislative jurisdiction with a right-to-work status commuted through American nationality, which is either commuted through the Fourteenth Amendment (50 states), or an Act of Congress (D.C., Federal possessions, or naturalization). The following examples will show how both **Block 3 -- BIRTHPLACE**, and **Block 5 -- CITIZENSHIP** on SSA Form SS-5 work in tandem to paint the total picture as the Supreme Court said in *Wong Kim Ark*.

In the following examples A - E, I will provide 3 data points, 1. POLITICAL STATUS/NATIONALITY, 2. SS-5 **Block 3-- BIRTHPLACE**, 3. CIRCUMSTANCE, and finally, a conclusory civil status 4. SS-5 **Block 5--CITIZENSHIP** STATUS, which is determined by taking the first three items into consideration collectively.

- A. 1. Mexican National, 2. BIRTHPLACE -- Mexico City, 3. visiting = 4. "Legal Alien Not Allowed to Work"
- B. 1. American National, 2. BIRTHPLACE -- Phoenix, AZ, 3. work in the U.S.A. with an Arizona domicile = 4. "Other "
- C. 1. American National, 2. BIRTHPLACE -- Phoenix, AZ, 3. work in the U.S.A. with a United States\*\* domicile = 4. "U.S. Citizen"
- D. 1. American National, 2. BIRTHPLACE -- American Samoa, 3. work in the U.S.A. with a United States\*\* domicile = 4. "Other"
- E. 1. German National, 2. BIRTHPLACE -- Frankfurt, Germany, 3. work in the U.S.A. with a work visa = 4. "Legal Alien Allowed to Work"

Notice how B. and E. have the same civil status, but a different political status. This is not an issue as these differences are reconciled within the tax system, as a "U.S. person" is a "citizen" or "resident" of the "United States\*\*" with the context of the "United States" changing depending on the nationality of the "taxpayer."

How do I know the above is true? Because the SSA will not issue an SSA Form SS-1042-S to anyone with a CSP Code of "A" (U.S. Citizen). An SSA Form SS-1042-S is an information return issued to a "nonresident alien" under Title 26 who receives "United States" sourced payments from the SSA. A "U.S. person" will receive an SSA Form SS-1099R. Furthermore, if an "employer" sends "wage" information to the SSA, the SSA will then transmit that "wage" information together with the CSP Code of the "individual" to the IRS. If the IRS receives "wage" information with a CSP Code of "A", and the "taxpayer" subsequently tries to file a 1040NR, it will be flagged as being an incorrect or fraudulent return-- after all, how can an SS-5 "U.S. Citizen" file a "nonresident alien" tax return? I think they would call this "frivolous." However, if an "individual" has a CSP Code of "B" ("Legal Alien Allowed To Work") on file with the SSA, a CSP Code "B" will be transmitted with the "wage" information and the "taxpayer" could file EITHER a 1040 ("resident alien") or a 1040NR ("nonresident alien"), as both a "resident alien" and a "nonresident alien" would qualify as a "Legal Alien Allowed To Work" for the purposes of the *Social Security Act*. The **Block 5 -- CITIZENSHIP** status on the SSA Form SS-5 is designed to get people to declare a federal domicile in the United States\*\*, and thus keep them caged in the "U.S. person" tax status. We know this to be the case because we know tax status is based on domicile. And since the SSA issues two types of information returns (SSA Form SS-1099R & SSA Form SS-1042-S), and since SSA will not issue an SSA Form SS-1042-S to an "individual" with a CSP Code of "A" ("U.S. Citizen"), then we know that the **Block 5 -- CITIZENSHIP** status of "U.S.\*\* Citizen" is not referring to political citizenship/nationality, but a civil status based partly on the **Block 3 -- BIRTHPLACE**, nationality, AND domicile . . . precisely as pointed out by the Supreme Court in *Wong Kim Ark*.

One of our members who is a state national, armed with the information from this pamphlet, went into the Social Security Administration office to file an SSA Form SS-5 to change their status from "U.S. citizen" is SSA Form SS-5, Block 5 and here is the response they got. Their identity shall remain anonymous, but here is their personal experience. They are among our most informed members and used every vehicle available on our website to prove their position at the SSA office:

*On \_\_\_\_\_ I submitted my "Legal Alien Allowed to Work" SSA Form SS-5 modification pursuant to 20 C.F.R. §422.110(a). I was met with the recalcitrance that one would imagine, and then I "turned it on" in the style that one can only get from an SEDM education!! I was elevated to the local office manager. I insisted she input my information into the SSNAP as I have indicated, as no SSA "employee" can practice law on my behalf by providing me legal advice, mandating my political affiliations, or even sign my SS-5 under penalty of perjury, and that it was against the law for them to do so. She acknowledged that I was correct and proceeded to try.*

*The manager took my information, my passport, disappeared, and then came back about 10 mins later asking for different ID. "Why . . . is my passport not good enough?" I asked. She said, "Well, the system will not let me input you as a 'Legal Alien Allowed to Work' with a U.S. Passport as your ID." I told her that my passport was evidence of nationality and not Block 5 citizenship. She told me I was correct and that "there must be something wrong with the system." She flat-out told me that Block 5 of the SSA Form SS-5 was NOT an inquiry into nationality -- which we know to be the case. It is also not an inquiry into HOW one obtains nationality. Which means it can only be a civil status based on domicile within or without the geographical legislative jurisdiction defined as the "United States\*\*" in 42 U.S.C. §1301(a)(2).*

*She came back a time later, telling me they scanned my Form SS-5 as well as all of the documentation that I brought (case law, diagrams, statutory and regulatory language), and that she had been instructed to send it to Baltimore (ostensibly by Baltimore) as well as my regional office. She was told that the information I wanted reflected in my Numident could only be "hard-coded" at the national level, as only they could bypass certain provisions in the SSNAP that local offices were relegated to adhere to! Well . . . surprise, surprise!!!*

[SOURCE: <http://sedm.org/forums/topic/update-from-a-member-on-how-they-changed-their-ss-5-status-with-the-social-security-administration/>]

### 17.1.6 The Department of Homeland Security and Form I-9

U.S.C.I.S. Form I-9 also plays a very important role in protecting the status quo of the tax system. We know that U.S.C.I.S. Form I-9 has a very narrow application under the *Immigration Reform and Control Act of 1986*, as there are a very few number of people who would be in a "position" of "employment" in the agricultural section under an executive "department."

The Department of Homeland Security (D.H.S.) administers the *E-Verify* program which receives two sources of data input -- the Social Security Numident Record, which is what the SSA has on file based on an applicant's SS-5, and the United States Customs and Immigration Service, which deals with the immigration status of FOREIGN NATIONALS. If U.S.C.I.S. deals with the immigration status of foreign nationals who are political aliens and *ipso facto* legal aliens only, then there is absolutely no information with regard to the legal "alien" status of an American National since they are not politically foreign. Furthermore, the government's regulation of private conduct is repugnant to the Constitution. And since the First Amendment guarantees the right to freedom of association, neither the SSA nor U.S.C.I.S. can even address or regulate the legal status of a State National when he/she chooses a foreign domicile. Since they cannot regulate it, they simply don't address it -- out of sight, out of mind!!! Those who are state nationals in possession of a valid passport should NEVER be required to even fill out the I-9 form, since it is reserved for Constitutional aliens anyway. It says this on the form:

*"The documents on List A show both identity and employment authorization. **Employees presenting an acceptable List A document should not be asked to present any other document.** Some List A documents are in fact a combination of 2 or more documents. In these cases, the documents presented together count as one List A document."*

[List A Documents; <https://www.uscis.gov/i-9-central/acceptable-documents/list-documents/form-i-9-acceptable-documents>]

List A documents include a U.S. passport or passport card. This has the practical effect of creating a psychological barrier that very few State Nationals are able to overcome if demanded to fill out the I-9 form ANYWAY. After all, the thought process is as follows: *"The E-Verify system does not recognize your declared status, therefore you must be wrong."* It's absolutely brilliant if I do say so myself. We tell you . . . we admire the craftiness of these banksters more and more every day!!!

U.S.C.I.S. Form I-9 offers the following civil status designations which are determined precisely in the same manner in which they are determined for the purposes of SSA Form SS-5.

1. "A citizen\* of the United States\*\*" (this would be someone described by 8 U.S.C. §1401)
2. "A non-citizen\* national of the United States\*\*", or of the United States\*\* (8 U.S.C. §1408, 8 U.S.C. §1101(a)(22)(B), 8 U.S.C. §1101(a)(21))
3. "A lawful permanent resident"
4. "An alien authorized to work" -- the meaning of which is dependent completely on the applicable definition of "United States"

Now, just like on SSA Form SS-5, status number 4 changes applicability just like 8 U.S.C. §1101(a)(3) can change based on the meaning of the term "United States" which is used. A political "alien" is going to be "alien" to the political nation called the United States\* and legally "alien" to ALL territory within the political jurisdiction of the nation -- United States\*\* and United States\*\*\*. However, an American National domiciled in any of the 50 states is legally "foreign" to the territorial subdivision of the United States\* where an Act of Congress is locally applicable, this is otherwise known as United States\*\* and is comprised of the "States" of 8 U.S.C. §1101(a)(36) and the "outlying possessions of the United States" pursuant to 8 U.S.C. §1101(a)(29). So the civil statuses of Section 1 on U.S.C.I.S. Form I-9 are predicated on BOTH nationality and domicile -- and again, we see that what the Supreme Court said in *Wong Kim Ark* is true -- both nationality and domicile must be considered to ascertain the complete legal status of the person in question. Thus, the statuses on U.S.C.I.S. Form I-9 are determined differently for State Nationals and foreign nationals.

Now, here is the rub. Solicitors of U.S.C.I.S. Form I-9 will then take that form and query the DHS *E-Verify* system. If an American National domiciled in the 50 states correctly declares an I-9 status of "A noncitizen national of the United States\*\*" commensurate with the "Legal Alien Allowed to Work" status on the SSA's Form SS-5 and with the "nonresident alien" status under Title 26, a non-conclusory response will come back from the DHS *E-Verify* system. Why? **Because DHS and U.S.C.I.S. deal only with LEGAL aliens who are foreign nationals.** The "alien" status of American Nationals falls 100% outside of the purview of the Federal government. This is why the reference to an A# or Admission# on U.S.C.I.S. Form I-9 says "if applicable." Notice how a U.S. passport is used as evidence of "identity" and "employment" eligibility -- NOT CITIZENSHIP. Furthermore, the boxed Anti-Discrimination Notice on page 1 of the U.S.C.I.S. Form I-9 instructions state in bold, all-caps, that an "employer" CANNOT specify which documents an "employee" may submit in the course of establishing "employment" eligibility.

So, why not just state that you are "A citizen of the United States" and then define the United States to mean the United States\* or the United States\*\*\*? Two reasons: 1. This would be avoiding the dual-element aspect of a person's legal status as addressed by the Supreme Court under *Wong Kim Ark*, and 2. An "employer" will not accept an IRS Form W-8 a worker with an I-9 election of "U.S. citizen" -- I know this first-hand.

We believe it is safe to say that the vast majority of Americans have snared themselves in the STATUTORY "U.S. person" (26 U.S.C. §7701(a)(30)) tax trap. The Federal government provides the remedy by stating that a person may change personal information such as citizenship status in the Social Security Numident record by submitting a corrected SSA Form SS-5. This is detailed in 20 C.F.R. §422.110(a). We also know that the IRS has stated that an "individual" may change the status of his/her SSN by following the regulatory guidance of 26 C.F.R. §301.6109-1(g)(1)(i). Since we know the IRS deals with "taxpayers" and NOT non-"taxpayers," there is ONLY one way to change the status of one's SSN with the IRS, and that is to file the appropriate Forms that a "nonresident alien" "taxpayer" would file -- namely an IRS Forms W-4, W-8ECI or a W-8BEN with an SSN included. Had a Citizen of the 50 states NEVER declared the "U.S. citizen" federal domicile in the first place which most have done in the course of obtaining an SSN, filling out a Bank Signature Card (Substitute IRS W-9), and filing an IRS Form 1040, this "unwrapping oneself" from the damage done would never have to be done, as one would have always maintained a legislatively foreign status. But a deceived man does not know that he has been deceived. But once he figures it out, I believe he must follow the method provided by the government to remedy it. The government does provide the remedy.

A Citizen of Florida who wishes to serve his nation in the Armed Forces would obtain an SSN as "Legal Alien Allowed to Work", file an IRS Form W-4 as a "wage" earner who is in a "position" of "service" within the "department" of Defense, and file a 1040NR on or before tax day. Then, upon returning to the private-sector, simply provide the private-sector payer with a modified W-8BEN without the SSN. The Florida Citizen's status on file with the SSA reflects his foreign civil status to the United States\*\*, and this is further evidenced in his IRS IMF which would identify him as a "nonresident alien" "taxpayer." All of the evidence the "United States" (non-geographical sense) would otherwise use against a "U.S. person" claiming a "nonresident alien" status does not exist. In fact, it all supports his sovereign foreign status as an American National and State Citizen under the Constitution as well as the various Acts of Congress. Additionally, the private-sector payer is indemnified by the U.S.C.I.S. Form I-9 submission (which isn't really required anyway in the private-sector) and the W-8BEN. There is

not a voluntary W-4 agreement in place pursuant to 26 U.S.C. §3402(p)(3), thus the worker is not part of "payroll," but is nothing more than a contractor who receives non-taxable personal payments from the company's 'accounts payable' pot of money. Of course, this "nonresident alien" may of course still be a "taxpayer" due to "United States" sourced payments received from a military retirement (IRS Form 1099R), and Social Security Payments (if applied for and received, SSA Form SS-1042-S). Because he is a "nonresident alien," his "United States" sourced payments are of course taxed, but in his private life, any payment he receives constitutes a foreign estate, the taxation of which must be accomplished through the process of apportionment pursuant to Art I, Sec 9, Cl 4.

Be certain, the SSA Form SS-5, U.S.C.I.S. Form I-9, and the "U.S. Citizen" ruse is designed to box people into a federal "United States\*" domicile. 99.99% of the people don't understand the Fourteenth Amendment or the complexities of civil status and how it is established based on both nationality and domicile. For this reason, the matrix tax system is protected by those who feed off of it. The government has provided everyone with the remedy. But it involves many government agencies and a complete understanding of how information is shared between agencies, what applies when and how, and also knowing when it doesn't. Furthermore, one has to be able to articulate this to others so that they also feel indemnified in the process.

For further information about the subjects in this section, see:

*Developing Evidence of Citizenship and Sovereignty Course*, Form #12.002  
<http://sedm.org/Forms/FormIndex.htm>

### 17.1.7 USA Passport

This section deals with describing your status on the USA passport application. We won't go into detail on this subject because we have a separate document that addresses this subject in detail below:

*Getting a USA Passport as a "state national"*, Form #10.012  
<http://sedm.org/Forms/FormIndex.htm>

In addition, SEDM has a Hot Topics page regarding identification below. You must be a consenting member with an account to view this page, but Basic Membership is free:

*Hot Issues: Identification*, SEDM  
<https://sedm.org/identification/>

### 17.1.8 IRS Form 1040NR, Schedule OI: Citizenship information<sup>97</sup>

Schedule OI-Other Information, is the place on the 1040NR return where you describe your citizenship status and domicile. Below is an image of that page from the Form 1040NR, 2019 edition:

**Figure 8: Form 1040NR, Schedule OI, 2019 Edition**

<sup>97</sup> Source: *How to File Returns*, Form #09.074, Section 13.2; <https://sedm.org/Forms/FormIndex.htm>.



**Schedule OI—Other Information** (see instructions)

Answer all questions

**A** Of what country or countries were you a citizen or national during the tax year? \_\_\_\_\_

**B** In what country did you claim residence for tax purposes during the tax year? \_\_\_\_\_

**C** Have you ever applied to be a green card holder (lawful permanent resident) of the United States? ☐ Yes ☐ No

**D** Were you ever:

1. A U.S. citizen? ☐ Yes ☐ No
2. A green card holder (lawful permanent resident) of the United States? ☐ Yes ☐ No

If you answer "Yes" to (1) or (2), see Pub. 519, chapter 4, for expatriation rules that apply to you.

**E** If you had a visa on the last day of the tax year, enter your visa type. If you did not have a visa, enter your U.S. immigration status on the last day of the tax year. \_\_\_\_\_

**F** Have you ever changed your visa type (nonimmigrant status) or U.S. immigration status? ☐ Yes ☐ No

If you answered "Yes," indicate the date and nature of the change. ► \_\_\_\_\_

**G** List all dates you entered and left the United States during 2019. See instructions.

**Note:** If you are a resident of Canada or Mexico AND commute to work in the United States at frequent intervals, check the box for **Canada or Mexico** and skip to item H. ☐ Canada ☐ Mexico

Date entered United States mm/dd/yy	Date departed United States mm/dd/yy	Date entered United States mm/dd/yy	Date departed United States mm/dd/yy

**H** Give number of days (including vacation, nonworkdays, and partial days) you were present in the United States during:  
2017 \_\_\_\_\_, 2018 \_\_\_\_\_, and 2019 \_\_\_\_\_.

**I** Did you file a U.S. income tax return for any prior year? ☐ Yes ☐ No

If "Yes," give the latest year and form number you filed. ► \_\_\_\_\_

**J** Are you filing a return for a trust? ☐ Yes ☐ No

If "Yes," did the trust have a U.S. or foreign owner under the grantor trust rules, make a distribution or loan to a U.S. person, or receive a contribution from a U.S. person? ☐ Yes ☐ No

**K** Did you receive total compensation of \$250,000 or more during the tax year? ☐ Yes ☐ No

If "Yes," did you use an alternative method to determine the source of this compensation? ☐ Yes ☐ No

**L** Income Exempt from Tax—If you are claiming exemption from income tax under a U.S. income tax treaty with a foreign country, complete (1) through (3) below. See Pub. 901 for more information on tax treaties.

1. Enter the name of the country, the applicable tax treaty article, the number of months in prior years you claimed the treaty benefit, and the amount of exempt income in the columns below. Attach Form 8833 if required. See instructions.

(a) Country	(b) Tax treaty article	(c) Number of months claimed in prior tax years	(d) Amount of exempt income in current tax year

**(e) Total.** Enter this amount on Form 1040-NR, line 22. Do not enter it on line 8 or line 12. ► \_\_\_\_\_

2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above? ☐ Yes ☐ No
3. Are you claiming treaty benefits pursuant to a Competent Authority determination? ☐ Yes ☐ No

If "Yes," attach a copy of the Competent Authority determination letter to your return.

**M** Check the applicable box if:

1. This is the first year you are making an election to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). See instructions. ☐
2. You have made an election in a previous year that has not been revoked, to treat income from real property located in the United States as effectively connected with a U.S. trade or business under section 871(d). See instructions. ☐

Form 1040-NR (2019)

We caution that Schedule OI is just there to give the filer a way to contradict himself (or appear to) and/or cast doubt on the contents of his/her return, or as an excuse for the IRS to say the return is frivolous or invalid because it is not an "honest and reasonable attempt" to comply with the tax law. They don't ask all these questions on 1040, do they?

The Form 1040NR Instructions and the 1040NR Form itself say to “Answer all questions”.<sup>98</sup> As a practical matter, nothing on the form and the instructions for the form are legally binding on anyone. The IRS even admits this in their Internal Revenue Manual (I.R.M.):

*Internal Revenue Manual*  
[Section 4.10.7.2.8 \(05-14-1999\)](#)  
*IRS Publications*

*IRS Publications, issued by the Headquarters Office, explain the law in plain language for taxpayers and their advisors. They typically highlight changes in the law, provide examples illustrating Service positions, and include worksheets. **Publications are nonbinding on the Service and do not necessarily cover all positions for a given issue. While a good source of general information, publications should not be cited to sustain a position.***

As a result, if you choose NOT to complete this schedule, they may or may not decide to hold up your return and ask for further information. We are not aware of a case where the return was rejected because Schedule OI was not completed. In most cases, less is best. If you don’t fill out Schedule OI, the return will probably still satisfy the Beard Test. Schedule OI, as a practical matter, will not affect the tax liability if you are not claiming a tax treaty benefit.

We HAVE seen the IRS and/or Tax Court use answers on the Schedule OI against the filer. This happened with one of our member’s case in Tax Court where the judge had a problem with the member saying he was a “USA national” in Block 1 of Schedule OI but not checking the box for “U.S. National” on page 1 of the 1040NR Form. That was used as a basis for saying the member’s return reflected a desire to delay or impede etc. under 26 U.S.C. §6702.

Therefore, if you do identify your citizenship in Schedule OI, it is important to ensure that it is consistent with that indicated on page 1, where they ask you if you are a “U.S. National” up to tax year 2017. Beyond that, the question was removed from 1040NR Form, Blocks 1 through 6, so this likely won’t be a problem.

Below is how we would fill out each item on the form as an American National born in a Constitutional state and physically present there and/or domiciled there. This is how we would do it in our own case. How you do it is entirely your choice and responsibility. Keep in mind that these are generic answers that should be customized to fit your commercial circumstances, which are likely different:

1. A: Of what country or countries were you a citizen or national during the tax year?  
ANSWER: Enter “United States of America (not “United States”))” or enter the name of the Constitutional state of the Union you were born in.
2. B: In what country did you claim residence for tax purposes during the tax year?  
ANSWER: None. Not an alien per 26 C.F.R. §1.871-2(B).
3. C: Have you ever applied to be a green card holder (lawful permanent resident) of the United States?  
ANSWER: No.
4. D: Were you ever:
  - 4.1. A U.S. citizen? [they mean a CIVIL citizen, not a POLITICAL citizen described in 26 C.F.R. §1.1-1(a) and (b)]  
ANSWER: No
  - 4.2. A green card holder (lawful permanent resident) of the United States?  
ANSWER: No
5. E: If you have a visa on the last day of the year, enter your visa type. If you did not have a visa, enter your U.S. immigration status on the last day of the tax year.  
ANSWER: Enter “Not applicable” in the space provided.
6. F: Have you ever changed your visa type (nonimmigrant status) or U.S. immigration status?  
ANSWER: No. Enter “Not applicable” in the space provided.
7. G: List all dates you entered and left the United States during \_\_\_\_\_.  
ANSWER: Line out both tables and write “Not applicable” above the line.
8. H: Give number of days (including vacation, nonworkdays, and partial days\_ you were present in the United States during:  
ANSWER: Enter “NA” in the years provided.
9. I: Did you file a U.S. income tax return for any prior year?  
ANSWER: Yes

<sup>98</sup> See: <https://www.irs.gov/pub/irs-pdf/i1040nr.pdf>

10. J: Are you filing a return for a trust?  
ANSWER: No.
11. K: Did you receive total compensation of \$250,000 or more during the tax year?  
ANSWER: No.
12. L: Income Exempt from Tax—If you are claiming exemption from income tax under a U.S. income tax treaty with a foreign country, complete (1) through (3) below.
  - 12.1. Enter the name of the country, the applicable tax treaty article, the number of months in prior years you claimed the treaty benefit, and the amount of exempt income in the columns below.  
ANSWER: Line out the table and write “Not Applicable” above the line.
  - 12.2. Were you subject to tax in a foreign country on any of the income shown in 1(d) above?  
ANSWER: No.
  - 12.3. Are you claiming treaty benefits pursuant to a Competent Authority Determination?  
ANSWER: No.
13. M: Check the applicable box if:
  - 13.1. This is the first year you are making an election to treat income from real property located in the United States as effectively connected with a U.S. trade or business under 871(d).  
ANSWER: No.
  - 13.2. You have made an election in a previous year that has not been revoked, to treat income from real property located in the United States as effectively connected with a U.S. trade or business under 871(d).  
ANSWER: No.

It is beyond the scope of this relatively short document to explain the subject of citizenship. If you want further exhaustive resources covering this subject and its relationship to the Non-Resident Non-Person Position, see:

1. Citizenship and Sovereignty Course, Form #12.001  
SLIDES: <https://sedm.org/LibertyU/CitAndSovereignty.pdf>  
VIDEO: <http://www.youtube.com/watch?v=xMrSiiAqJAU>
2. Citizenship Status v. Tax Status, Form #10.011  
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
3. Citizenship Diagrams, Form #10.010  
<https://sedm.org/Forms/10-Emancipation/CitizenshipDiagrams.pdf>
4. Citizenship, Domicile, and Tax Status Options, Form #10.003  
<https://sedm.org/Forms/10-Emancipation/CitDomTaxStatusOptions.pdf>
5. Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
6. Non-Resident Non-Person Position, Form #05.020  
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

## 17.2 Answering Questions from the Government About Your Citizenship So As to Protect Your Sovereign Status and disallow federal jurisdiction

When a federal officer asks you if you are a “citizen”, consider the context! The only basis for him asking this is federal law, because he isn’t bound by state law. If you tell him you are a “citizen” or a “U.S. citizen”, then indirectly, you are admitting that you are subject to federal law, because that’s what it means to be a “citizen” under federal law! Watch out! Therefore, as people born in and domiciled within a state of the Union on land that is not federal territory, we need to be very careful how we describe ourselves on government forms. Below is what we should say in each of the various contexts to avoid misleading those asking the questions on the forms. In this context, let’s assume you were born in California and are domiciled there. This guidance also applies to questions that officers of the government might ask you in each of the two contexts as well:

**Table 27: Describing your citizenship and status on government forms**

#	Question on form	Context	
		State officer or form	Federal officer or form
1	Are you a “citizen”?	Yes. Of California, but not the “State of California”.	No. Not under federal law.

#	Question on form	Context	
		State officer or form	Federal officer or form
2	Are you a “national”?	Yes. Of California, but not the “State of California”.	Yes. I’m a “national of the United States*** of America” under 8 U.S.C. §1101(a)(21) and under Perkins v. Elg, 307 U.S. 325 (1939).
3	Are you a “U.S. citizen”	No. I’m a California “citizen” or simply a “national”	No. I’m a California citizen or simply a “national”. I am <u>not</u> a federal “citizen” because I don’t maintain a domicile on federal territory.
4	Are you subject to the political jurisdiction of the United States[**]?	Yes. I’m a state elector who influences federal elections indirectly by the representatives I elect.	Yes. I’m a state elector who influences federal elections indirectly by the representatives I elect.
5	Are you subject to the legislative jurisdiction of the United States[**]?	No. I am only subject to the legislative jurisdiction of California but not the “State of California”. The “State of” California is a corporate subdivision of the federal government that only has jurisdiction in federal areas within the state.	No. I am only subject to the laws and police powers of California but not the State of California, and not the federal government, because I don’t maintain a domicile on federal territory subject to “its” jurisdiction.
6	Are you a “citizen of the United States[***]” under the Fourteenth Amendment?	Yes, but under federal law, I’m a “national”. Being a “citizen” under state law doesn’t make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn’t make me subject to federal law.	Yes, but under federal law, I’m a “national”. Being a “citizen” under state law doesn’t make me subject to federal legislative jurisdiction and police powers. That status qualifies me to vote in any state election, but doesn’t make me subject to federal law.

Below is a sample interchange from a deposition held by a U.S. Attorney from the U.S. Department of Justice against a sui juris litigant who knows his rights and his citizenship status. The subject is the domicile and citizenship of the litigant. This dialog helps to demonstrate how to keep the discussion focused on the correct issues and to avoid getting too complicated. If you are expecting to be called into a deposition by a U.S. Attorney or any government attorney, we strongly suggest rehearsing the dialog below so that you know it inside and out:

**Questions 1:** Please raise your right hand so you can take the required oath.

**Answer 1:** I’m not allowed to swear an oath as a Christian. Jesus forbid the taking of oaths in Matt. 5:33-37. The courts have said held at I can substitute an affirmation for an oath, and that I can freely prescribe whatever I want to go into the affirmation.

[8:222] Affirmation: A witness may testify by affirmation rather than under oath. An affirmation ‘is simply a solemn undertaking to tell the truth.’ [See F.R.E. 603, Adv. Comm. Notes (1972); F.R.C.P. 43(d); and Ferguson v. Commissioner of Internal Revenue (5<sup>th</sup> Cir. 1991) 921 F.2d. 488, 489—affirmation is any form or statement acknowledging ‘the necessity for telling the truth’]

[. . .]

[8:224] ‘Magic words’ not required: A person who objects to taking an ‘oath’ may pledge to tell the truth by any ‘form or statement which impresses upon the mind and conscience of a witness the necessity for telling the truth.’ [See F.R.E. 603, Adv. Comm. Notes (1972)—‘no special verbal formula is required’; United States v. Looper (4<sup>th</sup> Cir. 1969), 419 F.2d. 1405, 1407; United States v. Ward (9<sup>th</sup> Cir. 1992), 989 F.2d. 1015, 1019] [Federal Civil Trials and Evidence (2005), Rutter Group, pp. 8C-1 to 8C-2]

**Questions 2:** Please provide or say your chosen affirmation

**Answer 2:** Here is my affirmation:

“I promise to tell the truth, the whole truth, and nothing but the truth. Do not interrupt me at any point in this deposition or conveniently destroy or omit the exhibits I submit for inclusion in the record because you will cause

me to commit subornation of perjury in violation of [18 U.S.C. §1622](#) and be guilty of witness tampering in violation of [18 U.S.C. §1512](#). This deposition constitutes religious and political beliefs and speech that are NOT factual and not admissible as evidence pursuant to Federal Rule of Evidence 610 if any portion of it is redacted or removed from evidence or not allowed to be examined or heard in its entirety by the jury or judge. It is ONLY true if the entire thing can be admitted and talked about and shown to the jury or fact finder at any trial that uses it.

Non-acceptance of this affirmation or refusal to admit all evidence submitted during this deposition into the record by the court shall constitute:

1. Breach of contract (this contract).
2. Compelled association with a foreign tribunal in violation of the First Amendment and in disrespect of the choice of citizenship and domicile of the deponent.
3. Evidence of unlawful duress upon the deponent.
4. Violation of this Copyright/User/Shrink wrap license agreement applying to all materials submitted or obtained herein.

The statements, testimony, and evidence herein provided impose a license agreement against all who use it. The deposer and the government, by using any portion of this deposition as evidence in a civil proceeding, also agree to grant witness immunity to the deponent in the case of any future criminal proceeding which might use it pursuant to [18 U.S.C. §6002](#).

Any threats of retaliation or court sanctions or punishment because of this Affirmation shall also constitute corruptly threatening and tampering with a witness in violation of [18 U.S.C. §1512](#).

This affirmation is an extension of my right to contract guaranteed under [Article 1](#), Section 10 of the United States Constitution and may not be interfered with by any court of the United States.

I am appearing here today as a fiduciary, foreign ambassador, minister of a foreign state, and a foreign government, God's government on earth. The ONLY civil laws which apply to this entire proceeding are the laws of my domicile, being God's Kingdom and the Holy Bible New King James Version, pursuant to [Federal Rule of Civil Procedure 17\(b\)](#) and [Federal Rule of Civil Procedure 44.1](#). The Declaration of Independence says that all just powers of government derive from the consent of the governed, and the ONLY laws that I consent to are those found in the Holy Bible. Domicile is the method of describing the laws that a person voluntarily consents to, and the Bible forbids me to consent to the jurisdiction of any laws other than those found in the Holy Bible.

Questions 3: Where do you live

Answer 3: In my body.

Question 4: Where does your body sleep at night?

Answer 4: In a bed.

Question 5: Where is the bed geographically located?

Answer 5: On the territory of my Sovereign, who is God. The Bible says that God owns all the Heavens and the Earth, which leaves nothing for Caesar to rule. See Gen. 1:1, Psalm 89:11-13, Isaiah 45:12, Deut. 10:14. You're trying to create a false presumption that I have allegiance to you and must follow your laws because I live on your territory. It's not your territory. God is YOUR landlord, and if my God doesn't exist, then the government doesn't exist either because they are both religions and figments of people's imagination. You can't say that God doesn't exist without violating the First Amendment and disestablishing my religion and establishing your own substitute civil religion called "government". What you really mean to ask is what is my domicile because that is the origin of all of your civil jurisdiction over me, now isn't it?

Questions 6: Where is your domicile?

Answer 6: My domicile establishes to whom I owe exclusive allegiance, and that allegiance is exclusively to God, who is my ONLY King, Lawgiver, and Judge. Isaiah 33:22. The Bible forbids me to have allegiance to anyone but God or to nominate a King or Ruler to whom I owe allegiance or obedience. See 1 Sam. 8:4-8 and 1 Sam. 12. Consequently, the only place I can have a domicile is in God's Kingdom on Earth, and since God owns all the earth, I'm a citizen of Heaven and not any man-made government, which the Bible confirms in Phil. 3:20. You're trying to recruit me to commit idolatry by placing a civil ruler above my allegiance to God, which is the worst sin of all documented in the Bible and violates the first four commandments of the Ten Commandments. The Bible also says that I am a pilgrim and stranger and sojourner on earth who cannot be conformed to the earth, and therefore cannot have a domicile within any man-made government, but only God's government. Hebrews 11:13, 1 Pet. 2:1, Romans 12:2.



1  
2 Questions 7: Are you a “U.S. citizen”?

3 Answer 7: Which of the three “United States” do you mean? The U.S. Supreme Court identified three distinct definitions  
4 of “United States” in [Hooven & Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#)? If there are three different “United  
5 States”, then it follows that there are three different types of “U.S. citizens”, now doesn’t it?  
6

7 Questions 8: You don’t know which one of the three are most commonly used on government forms?

8 Answer 8: That’s not the point here. You are the moving party and you have the burden of proof. You are the one who  
9 must define exactly what you mean so that I can give you an *unambiguous* answer that is consistent with  
10 prevailing law. I’m not going to do your job for you, and I’m not going to encourage injurious presumptions  
11 about what you mean by the audience who will undoubtedly read this deposition. Presumption is a biblical sin.  
12 See Numbers 15:30, New King James version. I won’t sit here and help you manufacture presumptions about  
13 my status that will prejudice my God given rights.  
14

15 Questions 9: Are you a “resident” of the United States?

16 Answer 9: A “resident” is an alien with a domicile within your territory. I don’t have a domicile within any man-made  
17 government so I’m not a “resident” ANYWHERE. I am not an “alien” in relation to you because I was born  
18 here. That makes me a “national” pursuant to [8 U.S.C. §1101\(a\)\(21\)](#) but not a statutory “citizen” as defined in  
19 [8 U.S.C. §1401](#). All statutory citizens are persons born somewhere in the United States and who have a domicile  
20 on federal territory, and I’m NOT a statutory “citizen”.  
21

22 Questions 10: What kind of “citizen” are you?

23 Answer 10: I’m not a STATUTORY civil “citizen\*\*+D” or “resident” or “inhabitant” of any man-made government, and  
24 what all those statuses have in common is domicile within the jurisdiction of the state or forum. I already told  
25 you I’m a citizen of God’s Kingdom and not Earth because that is what the Bible requires me to be as a Christian.  
26 Being a “citizen” implies a domicile within the jurisdiction of the government having general jurisdiction over  
27 the country or state of my birth. I can only be a “citizen” of one place at a time because I can only have a  
28 domicile in one place at a time. A human being without a domicile in the place that he is physically located is  
29 a transient foreigner, a stranger, and a stateless person in relation to the government of that place. He or she is  
30 protected by the common law and NOT the statutory civil law. That is what I am. I can’t delegate any of my  
31 God-given sovereignty to you or nominate you as my protector by selecting a domicile within your statutory  
32 jurisdiction because the Bible says I can’t conduct commerce with any government and can’t nominate a king  
33 or protector over or above me. Rev. 18:4, 1 Sam. 8:4-8 and 1 Sam. 12. The Bible forbids oaths, including  
34 perjury oaths, which means I’m not allowed to participate in any of your franchises or excise taxes, submit any  
35 of your forms, or sign any contracts with you that would cause a surrender of the sovereignty God gave me as  
36 his fiduciary and “public officer”. See Matt. 5:33-37. I also can’t serve as your “public officer”, which is what  
37 all of your franchises do to me, because no man can serve two masters. Luke 16:13. I have no delegated  
38 authority from the sovereign I represent here today, being God, to act as your agent, fiduciary, or public officer,  
39 all of which is what a “taxpayer” is.

40 “You were bought at a price; ***do not become slaves of men*** [and remember that government  
41 is made up of *men*].”  
42 [1 Cor. 7:23, Bible, NKJV]

43 “We ought to obey God rather than men.”  
44 [Acts 5:27-29, Bible, NKJV]  
45

46 Questions 11: Who issued your passport?

47 Answer 11: The “United States *of America*” issued my passport, not the “United States”. The Articles of Confederation  
48 identify the United States of America as the confederation of states of the Union, not the government that was  
49 created to serve them called the “United States”. See United States v. Curtiss-Wright Export Corporation, 299  
50 U.S. 304 (1936). The only thing you need to get a passport is allegiance to “United States” pursuant to [22](#)  
51 [U.S.C. §212](#). The “United States” they mean in that statute isn’t defined and it could have one of three different  
52 meanings. Since the specific meaning is not identified, I define “allegiance to the United States” as being  
53 allegiance to the people in the states of the Union and NOT the pagan government that serves them in the District  
54 of Criminals. No provision within the U.S. Code says that I have to be a “U.S.\*\* citizen\*” pursuant to [8 U.S.C.](#)  
55 [§1401](#) in order to obtain a passport or that possession of a passport infers or implies that I am a statutory “U.S.  
56 citizen”. A passport is *not* proof of citizenship, but only proof of *allegiance*. The only citizenship status that

carries with it exclusively allegiance is that of a “national” but not a “citizen” pursuant to [8 U.S.C. §1101\(a\)\(21\)](#). That and only that is what I am as far as citizenship. There is no basis to imply or infer anything more than that about my citizenship. You have the burden of proof if you allege otherwise, and I insist that you satisfy that burden of proof right here, right now on the public record of this deposition before I can truthfully and unambiguously answer ANY of your questions about citizenship.

*“...the only means by which an American can lawfully leave the country or return to it - absent a Presidentially granted exception - is with a passport... As a travel control document, a passport is both proof of identity and proof of allegiance to the United States. Even under a travel control statute, however, a passport remains in a sense a document by which the Government vouches for the bearer and for his conduct.”*  
[Haig v. Agee, [453 U.S. 280](#) (1981)]

**Questions 12:** Are you the “citizen[\*] of the United States[\*\*\*]” described in section 1 of the Fourteenth Amendment?

**Answer 12:** The term “United States” as used in the Constitution signifies the states of the Union and excludes federal territories and possessions.

*“The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L.Ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word ‘state,’ in that connection, was used simply to denote a distinct political society. ‘But,’ said the Chief Justice, ‘as the act of Congress obviously used the word ‘state’ in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution . . . and excludes from the term the signification attached to it by writers on the law of nations.’ This case was followed in *Barney v. Baltimore*, 6 Wall. 280, 18 L.Ed. 825, and quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L.Ed. 1049, 17 Sup.Ct.Rep. 596. The same rule was applied to citizens of territories in *New Orleans v. Winter*, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that ‘neither of them is a state in the sense in which that term is used in the Constitution.’ In *Scott v. Jones*, 5 How. 343, 12 L.Ed. 181, and in *Miners’ Bank v. Iowa ex rel. District Prosecuting Attorney*, 12 How. 1, 13 L.Ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress.”*  
[Downes v. Bidwell, [182 U.S. 244](#) (1901)]

Therefore, the term “citizen of the United States” as used in section 1 of the Fourteenth Amendment implies a citizen of one of the 50 states of the Union who was NOT born within or domiciled within any federal territory or possession and who is NOT therefore subject to any of the civil laws of the national government.

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

*“It is impossible to construe the words ‘subject to the jurisdiction thereof,’ in the opening sentence [of the Fourteenth Amendment, Section 1], as less comprehensive than the words ‘within its jurisdiction,’ in the concluding sentence of the same section; or to hold that persons ‘within the jurisdiction’ of one of the states of the Union are not ‘subject to the jurisdiction of the United States[\*\*\*]’ ”*  
[U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898), emphasis added]

A constitutional citizen, which is what you are describing, is not a statutory “U.S. citizen” pursuant to 8 U.S.C. §1401 and may not describe himself as a “citizen” of any kind on any federal form. If I have ever done that, I was in error and you should disregard any evidence in your possession that I might have done such a thing because now I know that it was wrong.

### **17.3 Arguing or Explaining Your Citizenship in Litigation Against the Government**

A very common misconception about citizenship employed by IRS and Department of Justice Attorneys in the course of litigation is the following false statement:

1 “Constitutional citizens born within states of the Union and domiciled there are statutory “citizens of the United  
2 States” pursuant to 8 U.S.C. §1401, the Internal Revenue Code at 26 C.F.R. §1.1-1(c), 26 U.S.C. §911.”

3 The reasons why the above is false are explained elsewhere in this document. An example of such false statements is found  
4 in the Department of Justice Criminal Tax Manual (1994), Section 40.05[7]:

5 40.05[7] Defendant Not A “Person” or “Citizen”; District Court Lacks Jurisdiction Over Non-Persons and State  
6 Citizens

7 40.05[7][a] Generally

8 Another popular protester argument is the contention that the protester is not subject to federal law because he  
9 or she is not a citizen of the United States, but a citizen of a particular “sovereign” state. This argument seems  
10 to be based on an erroneous interpretation of 26 U.S.C. §3121(e)(2), which states in part: “The term ‘United  
11 States’ when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam,  
12 and American Samoa.” The “not a citizen” assertion directly contradicts the Fourteenth Amendment, which states  
13 “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the  
14 United States and of the state wherein they reside.” The argument has been rejected time and again by the courts.  
15 See *United States v. Cooper*, 170 F.3d. 691, 691(7th Cir. 1999) (imposed sanctions on tax protester defendant  
16 making “frivolous squared” argument that only residents of Washington, D.C. and other federal enclaves are  
17 citizens of United States and subject to federal tax laws); *United States v. Mundt*, 29 F.3d. 233, 237 (6th Cir.  
18 1994) (rejected “patently frivolous” argument that defendant was not a resident of any “federal zone” and  
19 therefore not subject to federal income tax laws); *United States v. Hilgeford*, 7 F.3d. 1340, 1342 (7th Cir. 1993)  
20 (rejected “shop worm” argument that defendant is a citizen of the “Indiana State Republic” and therefore an alien  
21 beyond the jurisdictional reach of the federal courts); *United States v. Gerads*, 999 F.2d. 1255, 1256-57 (8th  
22 Cir. 1993) (imposed \$1500 sanction for frivolous appeal based on argument that defendants were not citizens of  
23 the United States but instead “Free Citizens of the Republic of Minnesota” not subject to taxation); *United States*  
24 *v. Silevan*, 985 F.2d. 962, 970 (8th Cir. 1993) (rejected as “plainly frivolous” defendant’s argument that he is not  
25 a “federal citizen”); *United States v. Jagim*, 978 F.2d. 1032, 1036 (9th Cir. 1992) (rejected “imaginative”  
26 argument that defendant cannot be punished under the tax laws of the United States because he is a citizen of the  
27 “Republic” of Idaho currently claiming “asylum” in the “Republic” of Colorado) *United States v. Masat*, 948  
28 F.2d. 923, 934 (5th Cir. 1991); *United States v. Sloan*, 939 F.2d. 499, 500-01 (7th Cir. 1991) (“strange argument”  
29 that defendant is not subject to jurisdiction of the laws of the United States because he is a “freeborn natural  
30 individual” citizen of the State of Indiana rejected); *United States v. Price*, 798 F.2d. 111, 113 (5th Cir. 1986)  
31 (citizens of the State of Texas are subject to the provisions of the Internal Revenue Code).

32 [SOURCE: [http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05\[7\]](http://www.usdoj.gov/tax/readingroom/2001ctm/40ctax.htm#40.05[7])]

33 Notice the self-serving and devious “word or art” games and “word tricks” played by the Dept. of Injustice in the above:

- 34 1. They deliberately don’t show you the WHOLE definition in 26 U.S.C. §3121(e), which would open up a HUGE can of  
35 worms that they could never explain in a way that is consistent with everything that people know other than the way it  
36 is explained here.
- 37 2. They FALSELY and PREJUDICIALLY “presume” that there is no separation of powers between federal territory and  
38 states of the Union, which is a violation of your rights and Treason punishable by death. The separation of powers is the  
39 very foundation of the Constitution, in fact. See:

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

- 40 3. They deliberately refuse to recognize that the context in which the term “United States” is used determines its meaning.
- 41 4. They deliberately refuse to recognize that there are THREE definitions of the term “United States” according to the U.S.  
42 Supreme Court in section 1.5 earlier.
- 43 5. They deliberately refuse to reconcile *which* of the three mutually exclusive and distinct definitions of “United States”  
44 applies in each separate context and WHY they apply based on the statutes they seek to enforce.
- 45 6. They deliberately refuse to recognize or admit that the term “United States” as used in the Constitution includes states  
46 of the Union and excludes federal territory.
- 47 7. They deliberately refuse to apply the Rules of Statutory Construction and Interpretation to determine what is “included”  
48 within the definition of “United States” found in 26 U.S.C. §3121(e)(2). They don’t want to admit that the definition is  
49 ALL inclusive and limiting, because then they couldn’t collect any tax, even though it is.

50 [TITLE 26 > Subtitle C > CHAPTER 21 > Subchapter C > § 3121](#)  
51 [§ 3121. Definitions](#)

52 (e) State, United States, and citizen

For purposes of this chapter—

(1) State

**The term “State” includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa. [WHERE are the states of the Union?]**

(2) United States

**The term “United States” when used in a geographical sense includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa. [WHERE are the states of the Union?]**

---

**“When a statute includes an explicit definition, we must follow that definition, even if it varies from that term’s ordinary meaning.”** Meese v. Keene, 481 U.S. 465, 484-485 (1987) (“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term”); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 (“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”); Western Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p. 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read “as a whole,” post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney General’s restriction -- “the child up to the head.” Its words, “substantial portion,” indicate the contrary.” [Stenberg v. Carhart, 530 U.S. 914 (2000)]

**“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term.”** Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed in other legislation, has no pejorative connotation. **As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.”** [Meese v. Keene, 481 U.S. 465, 484 (1987)]

**“As a rule, ‘a definition which declares what a term “means” . . . excludes any meaning that is not stated”** [Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

Therefore, if you are going to argue citizenship in federal court, we STRONGLY suggest the following lessons learned by reading the Department of Justice Criminal Tax Manual article above:

1. Include all the language contained in the following in your pleadings:

**Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006**  
**<http://sedm.org/Litigation/LitIndex.htm>**

2. If someone from the government asks you whether you are a “citizen of the United States” or a “U.S. citizen”:

- 2.1. Cite the three definitions of the “United States” explained by the Supreme Court and then ask them to identify which of the three definitions of “U.S.” they mean in the 1.5 earlier. Tell them they can choose ONLY one of the definitions.
  - 2.1.1. The COUNTRY “United States\*”.
  - 2.1.2. Federal territory and no part of any state of the Union “United States\*\*”
  - 2.1.3. States of the Union and no part of federal territory “United States\*\*\*”
- 2.2. Ask them WHICH of the four types of citizenship do they mean in the constitution and Title 8 of the U.S. Code and tell them they can only choose ONE:
  - 2.2.1. Fourteenth Amendment.
  - 2.2.2. 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) statutory “citizen\* of the United States\*\*”. Born in and domiciled on a federal territory and possession and NOT a state of the Union.
  - 2.2.3. 8 U.S.C. §1408 and 8 U.S.C. §1101(a)(22)(B) statutory “national of the United States\*\*”. Born in and domiciled in American Samoa or Swains Island.
  - 2.2.4. 8 U.S.C. §1101(a)(21) and state national. Born in and domiciled in a state of the Union and not subject to federal legislative jurisdiction but only subject to political jurisdiction.
- 2.3. Hand them the following short form printed on double-sided paper and signed by you. Go to section 7 and point to the “national” status in diagram. Tell them you want this in the court record or administrative record and that they agree with it if they can’t prove it wrong with evidence.

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



If you want more details on how to field questions about your citizenship, fill out government forms describing your citizenship, or rebut arguments that you are wrong about your citizenship, we recommend sections 15 and 16 of the following:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

3. If your opponent won't answer the above questions, then forcefully accuse him of engaging in TREASON by trying to destroy the separation of powers that is the foundation of the United States Constitution. Tell them you won't help them engage in treason or undermine the main protection for your constitutional rights, which the Supreme Court said comes from the separation of powers. Then direct them at the following document that proves the existence of such TREASON.

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

4. Every time you discuss citizenship with a government representative, emphasize the three definitions of the "United States" explained by the Supreme Court and that respecting and properly applying these definitions consistently is how we respect and preserve the separation of powers. Those definitions appear in section 1.5 earlier.

5. Admit to being a constitutional "citizen of the United States\*\*\*\*" but not a statutory "citizen of the United States\*\*\*". This will invalidate almost all the case law they cite and force them to expose their presumptions about WHICH "United States" they are trying to corn-hole you into.

6. Emphasize that the context in which the term "United States" is used determines WHICH of the four definitions applies and that there are two main contexts.

*"It is clear that Congress, as a legislative body, exercise two species of legislative power: the one, limited as to its objects, but extending all over the Union: the other, an absolute, exclusive legislative power over the District of Columbia. The preliminary inquiry in the case now before the Court, is, by virtue of which of these authorities was the law in question passed?"*

*[Cohens v. Virginia, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]*

6.1. The Constitution: states of the Union and no part of federal territory. This is the "Federal government"

6.2. Federal CIVIL law: Community property of the states that includes federal territory and possession that is no party of any state of the Union. This is the "National government".

7. Emphasize that you can only be a civil "citizen\*\*+D" in ONE of the TWO unique geographical places above at a time because you can only have a domicile in ONE of the two places at a time. Another way of saying this is that you can only have allegiance to ONE MASTER at a time and won't serve two masters, and domicile is based on allegiance.

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

*[Black's Law Dictionary, Sixth Edition, p. 485]*

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

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

8. Emphasize that it is a violation of due process of law and an injury to your rights for anyone to PRESUME anything about which definition of "United States" applies in a given context or which type of "citizen" you are. EVERYTHING must be supported with evidence as we have done here.

*(1) [8:4993] Conclusive presumptions affecting protected interests: A conclusive presumption may be defeated where its application would impair a party's constitutionally-protected liberty or property interests. In such cases, conclusive presumptions have been held to violate a party's due process and equal protection rights. [Vlandis v. Kline (1973) 412 U.S. 441, 449, 93 S.Ct. 2230, 2235; Cleveland Bd. of Ed. v. LaFleur (1974) 414 U.S. 632, 639-640, 94 S.Ct. 1208, 1215-presumption under Illinois law that unmarried fathers are unfit violates process]*

*[Rutter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34]*



9. Emphasize that applying the CORRECT definition is THE MOST IMPORTANT JOB of the court, as admitted by the U.S. Supreme Court, in order to maintain the separation of powers between the federal zone and the states of the Union, and thereby protect your rights:

*"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.."*

[...]

*"The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this country substantially two national governments; one to be maintained under the Constitution, with all of its restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to..***

[...]

*It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution."*

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

10. Emphasize that anything your opponent does not rebut with evidence under penalty of perjury is admitted pursuant to Federal Rule of Civil Procedure 8(b)(6) and then serve them with a Notice of Default on the court record of what they have admitted to by their omission in denying.
11. Focus on WHICH "United States" is implied in the definitions within the statute being enforced.
12. Avoid words that are not used in statutes, such as "state citizen" or "sovereign citizen" or "natural born citizen", etc. because they aren't defined and divert attention away from the core definitions themselves.
13. Rationally apply the Rules of Statutory Construction and Interpretation so that your opponent can't use verbicide or word tricks to wiggle out of the statutory definitions with the word "includes". See:
- Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>
14. State that all the cases cited in the Department of Justice Criminal Tax Manual are inapposite, because:
- 14.1. You aren't arguing whether you are a "citizen of the United States", but whether you are a STATUTORY "citizen of the United States".
- 14.2. They don't address the distinctions between the statutory and constitutional definitions nor do they consistently apply the Rules of Statutory Construction and Interpretation.
15. Emphasize that a refusal to stick with the legal definitions and include only what is expressly stated and not "presume" or read anything into it that isn't there is an attempt to destroy the separation of powers and engage in a conspiracy against your Constitutionally protected rights.

*"Judicial verbicide is calculated to convert the Constitution into a worthless scrap of paper and to replace our government of laws with a judicial oligarchy."*  
[Senator Sam Ervin, during Watergate hearing]

*"When words lose their meaning [or their CONTEXT WHICH ESTABLISHES THEIR MEANING], people lose their freedom."*  
[Confucius (551 BCE - 479 BCE) Chinese thinker and social philosopher]

If you would like a more thorough treatment of the subject covered in this section, we recommend section 5.1 of the following:

*Flawed Tax Arguments to Avoid*, Form #08.004  
<http://sedm.org/Forms/FormIndex.htm>

## **17.4 Federal court statutory remedies for those who are "state nationals" injured by government**

State nationals domiciled in a constitutional state have RIGHTS protected by the constitution. Statutory "citizens" domiciled on federal territory have only PRIVILEGES. If you are a state national who is being COMPELLED to illegally impersonate

a public officer called a STATUTORY “citizen”, the following remedies are provided to protect your INALIENABLE CONSTITUTIONAL RIGHTS as a state national from being converted into STATUTORY PRIVILEGES.

1. If you are “denied a right or privilege as a national of the United States\*” then you can sue under 8 U.S.C. §1503(a) and 8 U.S.C. §1252. See *Hassan v. Holder*, Civil Case No 10-00970 and *Raya v. Clinton*, 703 F.Supp.2d. 569 (2010). Under this statute:
  - 1.1. 8 U.S.C. §1408 “non-citizen nationals of the United States\*\*\*” in American Samoa and Swain’s Island would sue for deprivation of a PRIVILEGE.
  - 1.2. State nationals domiciled outside the statutory “United States” but physically present on federal territory could sue for deprivation of a constitutional right.
2. If you are a “national of the United States\*” who is victimized by acts of international or domestic terrorism, you can sue under 18 U.S.C. §2333. See also *Boim v. Quranic Literacy Institute*, 340 F.Supp.2d. 885 (2004).

All the above cases cited refer to people born in constitutional states as “nationals of the United States” under Title 8 of the U.S. Code. Therefore, they protect BOTH non-citizen nationals under 8 U.S.C. §1408 and state nationals domiciled outside the federal zone and in a state of the Union.

## 18. FREQUENTLY ASKED QUESTIONS (FAQs) AND THEIR ANSWERS

### 18.1 Are those Born Abroad to American National Parents or those who Marry American Nationals still “state nationals”?

#### QUESTION:

A friend of mine was born in another country while her American parents were missionaries overseas. I have read some references on your website about children born to American parents being citizens, but that's all it says. Does anyone have any more specific cites to backup that statement? Specifically, here are the questions I have:

1. Is she considered “natural-born”? Or does this term even matter?
2. Is there a procedure she must follow to be considered an American and not run the risk of being deported when she sends in the *Change of Address and Power of Attorney*, Form #07.110?
3. I've noticed that at least some of the forms on your website contain statements that “I was born in one of the 50 union States”, so what would be the proper wording? (Something like “I was born in another country to American parents”?)
4. Will she be able to fully gain/regain her Sovereignty as an American national, or is this hopeless for all people born in other countries?
5. Where does the INS, etc. really come into the picture? Should all of this only be done through her State's immigration laws, or how is it really supposed to work?
6. She is recently married to an American born in a union State. Would that help/change her status in any way? (Ignoring the whole marriage license issue which is a whole other can of worms.)

#### ANSWER:

Those born to American nationals while overseas become American nationals the same as those born within a state of the Union under the Fourteenth Amendment.

8 FAM 301.4  
ACQUISITION BY BIRTH ABROAD TO U.S. CITIZEN PARENT(S) AND EVOLUTION OF KEY STATUTES  
(CT:CITZ-73; 06-09-2022)  
(Office of Origin: CA/PPT/S/A)  
8 FAM 301.4-1(F)(1) Status Generally

(CT:CITZ-1; 06-27-2018)

*Persons born abroad who acquire U.S. citizenship at birth by statute generally have the same rights and are subject to the same obligations as citizens born in the United States who acquire citizenship pursuant to the 14th Amendment to the Constitution. One exception is that, if born prior to October 10, 1952, persons who acquired U.S. citizenship at birth by birth abroad to a U.S. citizen(s) may be subject to citizenship retention requirements described in 7 FAM 1100 Appendix L.*

[8 Foreign Affairs Manual (F.A.M.), Section 301.4-1(F)(1);  
<https://fam.state.gov/FAM/08FAM/08FAM030104.html>]

Now some answers to your specific questions:

1. A "natural born" American is one born anywhere in the United States\*, whether federal territory or a state of the Union. She is not "natural born" by that definition. The term doesn't matter. The only thing that matters is whether you are a constitutional or a statutory citizen, and which of the three definitions of "U.S." you claim citizenship within. The term "natural born" is not found anywhere in Title 8 of the U.S. Code or on any government form but it is found in the U.S. Constitution so it's irrelevant.

8 FAM 301.4  
ACQUISITION BY BIRTH ABROAD TO U.S. CITIZEN PARENT(S) AND EVOLUTION OF KEY STATUTES  
(CT:CITZ-73; 06-09-2022)  
(Office of Origin: CA/PPT/S/A)  
8 FAM 301.4-2(A) March 26, 1790

(CT:CITZ-1; 06-27-2018)

a. The First Congress enacted "An Act to Establish an Uniform Rule of Naturalization" (1 Stat. 103,104) that stated, in part, that: the children of citizens of the United States, that may be born beyond the sea, or out of the limits of the United States, shall be considered as natural born citizens; Provided, That the right of citizenship shall not descend to persons whose fathers have never been resident in the United States.

b. This Act was repealed by the Act of January 29, 1795.  
[8 Foreign Affairs Manual (F.A.M.), Section 301.4-2(A);  
SOURCE: <https://fam.state.gov/FAM/08FAM/08FAM030104.html>]

2. The Change of Address and Power of Attorney, Form #07.110 would not apply to a person in her circumstance. She cannot be sovereign because the authority for her status comes from a civil statute rather than the constitution. See item 4 below.
3. The proper wording would be you were born abroad to American parents.
4. The authority for conferring those born outside the country to American parents is 8 U.S.C. §1401. The Fourteenth Amendment does not authorize POLITICAL citizenship to those born overseas or in foreign countries. Hence, those born abroad are privileged and cannot be "sovereign". We covered this in section 5.1 earlier.
5. There is no longer an Immigration and Naturalization Service (I.N.S.). INS was replaced by U.S. Citizenship and Immigration Services (U.S.C.I.S.) when the Department of Homeland Security (D.H.S.) was formed with the Homeland Security Act of 2002. U.S.C.I.S. officially absorbed INS on March 1, 2003. The U.S.C.I.S. comes in because those born abroad to American Parents may be subject to what is called "retention requirements". Otherwise, their citizenship is identical to those born within a state of the Union. For details, see:

8 FAM 301.4-1(G) Citizenship Retention Requirements

(CT:CITZ-1; 06-27-2018)

a. Persons who acquired U.S. citizenship by birth abroad were not required to take any affirmative action to keep their citizenship until May 24, 1934, when a new law imposed retention requirements on persons born abroad on or after that date to one U.S. citizen parent and one alien parent.

b. Retention requirements continued in effect until October 10, 1978, when section 301(b) INA was repealed. Because the repeal was prospective in application, it did not benefit persons born on or after May 24, 1934, and before October 10, 1952 (see 7 FAM 1100 Appendix L).

c. Persons born abroad on or after October 10, 1952, are not subject to any conditions beyond those that apply to all citizens.

d. Persons whose citizenship ceased as a result of the operation of former section 301(b) were provided a means of regaining citizenship in March 1995 by an amendment to section 324 INA (8 U.S.C. 1435). A more detailed discussion of the retention requirements and remedies for failure to comply with them is provided in 7 FAM 1100 Appendix L.

[8 Foreign Affairs Manual (F.A.M.), Section 301.4-1(G);  
<https://fam.state.gov/FAM/08FAM/08FAM030104.html>]

6. Marriage only affects nationality for a spouse if that spouse started out as a foreign national, which means a national of a different country. Once they marry an American National, they can apply to be naturalized and thereby become a state national. Details are found in:
- 6.1. 8 C.F.R. §216.
  - 6.2. Immigration and Nationality Act, Section 216
  - 6.3. Immigration and Nationality Act, Section 320: Children born outside the United States and residing permanently in the United States; conditions under which citizenship automatically acquired
  - 6.4. U.S.C.I.S. Form I-751: Petition to Remove Conditions on Residence. See:
    - 6.4.1. Form I-751: <http://www.uscis.gov/files/form/I-751.pdf>
    - 6.4.2. U.S.C.I.S. Form I-751: Petition to Remove Conditions on Residence Instructions  
<http://www.uscis.gov/files/form/I-751instr.pdf>

For further details see:

*Dept. of State Foreign Affairs Manual (FAM), Volume 8*, Section 301.4: Acquisition of U.S. Citizenship by Birth Abroad to U.S. Citizen Parents  
<https://fam.state.gov/FAM/08FAM/08FAM030104.html>

## 18.2 Am I a Statutory “U.S. citizen” if My Parents were in the Military and I was born Abroad?

### QUESTION:

I've been doing some research on this website. I was wanting to apply for a passport as a state national.

1. Is this possible if my father was in the U.S. Army abroad when I was born?
2. My mom was also a school teacher (not sure if she was a teacher when I was born). Does this make me into a statutory “U.S. Citizen” pursuant to 8 U.S.C. §1401?? Seems as if it might.
3. Can you elaborate on this subject?

### ANSWER:

You should read this entire document at least once and then go back and find your status in the charts in section 14.1, Table 9. Then and only then should you be asking us questions. We aren't here to think for you, but to answer questions not already explained in this document. The answer is that:

1. All those born anywhere in the country are "nationals" as described in 8 U.S.C. §1101(a)(21).
2. Those born abroad under 8 U.S.C. §1401 or 8 U.S.C. §1408 take on the nationality (e.g. "national") of their parents, and in particular their father at the time of birth. This is called "jus sanguinis" in legal jargon. Our system of citizenship is patterned after the British system in which “nationality” means “birth within allegiance to the king”. The "king", in this case is "We the People" and NONE of our elected or appointed politicians.
3. The constitution does not confer authority to make those born abroad into CONSTITUTIONAL citizens. 8 U.S.C. §1401 or 8 U.S.C. §1408 are the only source of authority to acquire citizenship for those born abroad. These statutes are in turn privileges and creations of Congress.
4. Whether one is a “citizen” under federal civil law is determined by whether they are domiciled on federal territory. One cannot be a statutory civil "U.S.\*\* citizen\*\*+D" under the Internal Revenue Code without a domicile on federal territory and one cannot choose a domicile or residence in a place that they have never physically been. Chances are, your parents were never physically present on federal territory before you were born and therefore couldn't practically or legally have a domicile there.
5. Therefore, you can choose to be a "non-resident" even if the authority for your citizenship at birth was 8 U.S.C. §1401.
6. If you would like to learn more about the effect of domicile upon one's citizenship status, see:

*Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Family Guardian Fellowship  
<http://famguardian.org/Subjects/Taxes/Remedies/DomicileBasisForTaxation.htm>

Between this document and the domicile article above, the truth should become very clear in your mind, especially after you read some of the links at the beginning of the domicile article.

Please be patient with yourself and carefully study this document. The only reason to become impatient is because you have no time to study, which is usually because of no self-discipline or an addiction to unhealthy habits and mental junk food. As it says in the following document, quit watching mental junk food on TV, quit wasting time on unhealthy media saturation, quit surfing porn (if you are), take your television to the dump, and sit down in the quiet and clear your mind and read the word of God, and the extensive materials on this website, and your whole world view will change and you will quickly see the truth. Use the document below to guide your studies:

[Path to Freedom](http://sedm.org/Forms/Procs/PathToFreedom.pdf), Form #09.015

<http://sedm.org/Forms/Procs/PathToFreedom.pdf>

The above document is also on the opening page of our website at the top of the page in big letters "START HERE".

<http://famguardian.org>

There is admittedly a lot to learn, but before your mind can even begin to learn the real truth, you must undo all the damage and lies you learned in the communist, government run propaganda academy that you picked up as you were growing up. The truth is like the parable of the mustard seed in the Bible at Matt. 13:1-9. The seed can only grow if you prepare good ground for it to germinate in. Like the gentle farmer, you must till the ground, fertilize, plant the seed, water, pull the weeds, and carefully tend it and defend it as it grows. Parents must follow the same path with their growing and maturing children.

### **18.3 Doesn't a "Consular Report of Birth" for a person born abroad make one into a statutory "U.S. citizen" rather than constitutional "citizen of the United States"?**

#### **QUESTION:**

I am a constitutional but not statutory political citizen and have a child that was born overseas. That child was granted a "Consular Report of Birth Abroad" certificate. It has a number in the top right-hand corner, and even has that creepy pyramid 'Annuit Coeptis' seal on it just like the one on the back of the dollar.

The biggest problem however is at the bottom of this certificate where it says:

*"A Consular Report of Birth is proof of United States citizenship by law: 22 U.S.C. 2705"*

*This document is on file with the government and could most certainly be used as evidence that the person to whom it applies is in fact NOT a "nonresident alien."*

How in the world is this guy going to rebut this piece of state evidence?

#### **ANSWER:**

1. 22 U.S.C. §2705 is found at:

<http://codes.lp.findlaw.com/uscode/22/38/2705>

2. The context is clear from reading 22 U.S.C. §1731.

*22 U.S.C. §1731 : U.S. Code - Section 1731: Protection to naturalized citizens abroad*

*All naturalized citizens[\*] of the United States while in foreign countries are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.  
[SOURCE: <http://codes.lp.find...ode/22/23/1731>]*

The party described in section 2705 is a person "abroad". This same party is described in 22 U.S.C. §1731 as a "naturalized citizen[\*] of the United States" while abroad. The term "naturalization", in turn, is described as the process of making one a "national", and NOT a "citizen".

[8 U.S.C. §1101\(a\)\(23\)](#) naturalization defined



(a)(23) The term "naturalization" means the conferring of **nationality** [NOT "citizenship" or "U.S. citizenship", but "nationality", which means "national"] of a state upon a person after birth, by any means whatsoever.

Here is a definition of "nationality". Note that "citizen" in Title 8 context is tied to nationality like it is for constitutional citizens.

*"Nationality. That quality or character which arises from the fact of a person's belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status. Nationality arises either by birth or by naturalization. See also Naturalization."*  
[Black's Law Dictionary, Sixth Edition, p. 1025]

3. The term "United States citizenship" is nowhere made equivalent to the phrase "national and citizen[\*] of the United States" as used in 8 U.S.C. §1401. It is a violation of due process to PRESUME they are the same.
4. WHICH of the three "United States" are implied in the term "United States citizenship" are not defined, and the definitions from Title 8 do not apply in Title 22. Consequently, the term can mean whatever the hearer wants it to mean. So long as you define WHICH "United States" you choose to be a member of, they can't interfere with it.
5. Until someone shows me a definition of which "United States" is implied WITHIN TITLE 22 and NOT TITLE 8, we are entitled to both define and presume that which suits our First Amendment right to politically associate or DIS-associate.

As we have said many times before, being a "citizen" of anything is a voluntary choice that is a product of your First Amendment right to associate. ONLY YOU get to define what groups you want to join and therefore WHICH of the three "United States" you want to be a citizen and a member of. Furthermore, you can change your mind after you know that there are multiple choices instead of only one choice. You change your mind by how you describe yourself on government forms. The only thing you need in order to get a passport is to have allegiance, and the only status under Title 8 that carries with it EXCLUSIVELY allegiance is that of a "national".

#### **18.4 If 8 U.S.C. §1401 ISN'T the source of authority for your POLITICAL citizenship of people born in a constitutional state, then what is?**

**QUESTION:** Some attorneys respond to this research by asserting that if 8 U.S.C. §1401 is NOT the authority for being a CONSTITUTIONAL citizen, then WHAT is the statutory authority?

**ANSWER:** The answer is that statutes only regulate PUBLIC conduct of those domiciled on federal territory. They cannot and do not prescribe the status of those born in a legislatively foreign state such as a CONSTITUTIONAL state. The only thing that can do that is either state law, the common law, or the law of nations. Here is the authority:

***"The law of nations 'is part of our law.' Hilton v. Guyot, N.Y.1895, 16 S.Ct. 139, 159 U.S. 163, 40 L.Ed. 95. It provides that in general all persons are citizens (subjects) of the countries (governments, sovereigns) of their birth, and in consequence owe them permanent allegiance. This status cannot be changed without their countries' consent. Shanks v. Dupont, S.C.1830, 3 Pet. 245, 7 L.Ed. 666. A person may be admitted to citizenship in another country without his country's consent, but the only result is that thereafter he is a citizen of two countries. His allegiance and obligations to the country of his birth are not diminished, and in so far as they conflict with his new allegiance, 'he becomes a citizen of the new country at his peril.' Talbot v. Janson, S.C.1795, 3 Dall. 164, 169, 1 L.Ed. 540." In re Siem, D.C.Mont.1922, 284 F. 868.***  
[8 U.S.C.A. §1401 (2009), p. 25, 2009]

The Law of Nations in turn is found at:

*The Law of Nations*, Vattel  
<http://famguardian.org/Publications/LawOfNations/vattel.htm>

Another source of authority to confer jurisdiction by birth is that of the common law.

*134. Common law, persons born outside United States*

Under St.1778, abrogating all statutes of England in N.Y., and under the laws of the United States, the citizenship of all children of Americans born abroad between 1802 and 1855 depended exclusively upon the dormant principles of the common law. *Ludlam v. Ludlam*, 1860, 31 Barb. 486, affirmed 26 N.Y. 356, 84 Am.Dec. 193. Where a citizen of the United States voluntarily, at the age of 18 years, went to Peru, with the intention of remaining there is trade an indefinite time, but was not naturalized there, by the common law and in the absence of any law of the United States on the subject, his child born in Peru of a wife a native of that country, was capable of inheriting property as a citizen of the United States. *Ludlam v. Ludlam*, 1863, 26 N.Y. 356, 84 Am.Dec. 193. [8 U.S.C.A. §1401 (2009), pp. 44-45]

Any lawyer that tells you that you can only acquire citizenship by birth under an Act of Congress is therefore:

1. LYING to you.
2. Acting, often unknowingly, as a federal public officer recruiter, because the statutes only regulate PUBLIC conduct of public officers. The ability to regulate PRIVATE rights and PRIVATE conduct is “repugnant to the constitution” as held by the U.S. Supreme Court.

For further details on why the above is true, see:

[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>

### **18.5 Can a person born outside the Constitutional states to American citizen parents, such as abroad or on federal territory, still be sovereign?<sup>99</sup>**

**QUESTION:** I am looking for an answer for my question on sovereignty. I keep reading that if you are sovereign then you belong to the state you were born in. This is a bit of a problem for me since I was born outside of a Constitutional state such as on federal territory or abroad though both my parents are from and born in the USA. So my question is can I still be sovereign and live in the USA as a sovereign? It is puzzling me.

**ANSWER:** Some answers:

1. The Fourteenth Amendment does not recognize Americans born outside the states of the Union as Constitutional citizens.
2. Those born outside of states of the Union owe their citizenship status to 8 U.S.C. §1401, which is a STATUTORY "U.S. citizen" and a Congressionally granted privilege/franchise.
3. Privileged statutory political U.S.\*\* citizens\* (by birth as described in 8 U.S.C. §1401), while domiciled in and present within a constitutional state, can be sovereign so long as they do not claim any "benefit", franchise, privilege, or civil statutory status under the laws of the national government or state government. They must be statutory "non-resident non-persons" or else they become privileged.
4. Domicile on federal territory, or accepting federal or state privileges or “benefits” is how sovereignty is lost.
5. Those who voluntarily consent to receive or exercise privileges or “benefits” cannot be sovereign. They surrender the protections of the Constitution and the Common law, and are left only with statutory privileges.

*The Court developed, for its own governance in the cases confessedly within its jurisdiction, a series of rules under which it has avoided passing upon a large part of all the constitutional questions pressed upon it for decision. They are:*

[. . .]

**6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits.** [FN7 Great Falls Mfg. Co. v. Attorney General](#), 124 U.S. 581, 8 S.Ct. 631, 31 L.Ed. 527; [Wall v. Parrot Silver & Copper Co.](#), 244 U.S. 407, 411, 412, 37 S.Ct. 609, 61 L.Ed. 1229; [St. Louis Malleable Casting Co. v. Prendergast Construction Co.](#), 260 U.S. 469, 43 S.Ct. 178, 67 L.Ed. 351.

[FN7 Compare Electric Co. v. Dow](#), 166 U.S. 489, 17 S.Ct. 645, 41 L.Ed. 1088; [Pierce v. Somerset Ry.](#), 171 U.S. 641, 648, 19 S.Ct. 64, 43 L.Ed. 316; [Leonard v. Vicksburg, etc., R. Co.](#), 198 U.S. 416, 422, 25 S.Ct. 750, 49 L.Ed. 1108.

[*Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 56 S.Ct. 466 (1936)]

<sup>99</sup> Source: *Path to Freedom*, Form #09.015, Section 4.11; <http://sedm.org/Forms/FormIndex.htm>.

"The words "privileges" and "immunities," like the greater part of the legal phraseology of this country, have been carried over from the law of Great Britain, and recur constantly either as such or in equivalent expressions from the time of Magna Charta. For all practical purposes they are synonymous in meaning, and originally signified a peculiar right or private law conceded to particular persons or places **whereby a certain individual or class of individuals was exempted from the rigor of the common law.** Privilege or immunity is conferred upon any person when he is invested with a legal claim to the exercise of special or peculiar rights, authorizing him to enjoy some particular advantage or exemption."

[The Privileges and Immunities of State Citizenship, Roger Howell, PhD, 1918, pp. 9-10;

SOURCE: [http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The\\_privileges\\_and\\_immunities\\_of\\_state\\_c.pdf](http://famguardian.org/Publications/ThePrivAndImmOfStateCit/The_privileges_and_immunities_of_state_c.pdf)]

See Magill v. Browne, Fed.Cas. No. 8952, 16 Fed.Cas. 408; 6 Words and Phrases, 5583, 5584; A J. Lien, "Privileges and Immunities of Citizens of the United States," in Columbia University Studies in History, Economics, and Public Law, vol. 54, p. 31.

6. Under maxims of common law, the government MUST provide a way for you to surrender eligibility for or not participate in any and all privileges, benefits, and franchises. If they don't, they are STEALING your sovereignty and committing a trespass on your PRIVATE rights and PRIVATE property:

*Invito beneficium non datur.*

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

*Privilegium est beneficium personale et extinguitur cum person.*

A privilege is a personal benefit and dies with the person. 3 Buls. 8.

*Quae inter alios acta sunt nemini nocere debent, sed prodesse possunt.*

Transactions between strangers may benefit, but cannot injure, persons who are parties to them. 6 Co. 1.

*Quilibet potest renunciare juri pro se inducto.*

Any one may renounce a law introduced for his own benefit. To this rule there are some exceptions. See 1 Bouv. Inst. n. 83.

When the common law and statute law concur, the common law is to be preferred. 4 Co. 71

*Verba dicta de persona, intelligi debent de conditione personae.* Words spoken of the person are to be understood of the condition of the person. 2 Roll. R. 72.

[Bouvier's Maxims of Law, 1856;

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

Below is an example of what we mean above from the U.S. Supreme Court:

**"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding to the value of such property, or in the creation and maintenance of public conveniences in which he shares -- such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the taxing power be in no position to render these services, or otherwise to benefit the person or property taxed, and such property be wholly within the taxing power of another state, to which it may be said to owe an allegiance, and to which it looks for protection, the taxation of such property within the domicile of the owner partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond the power of the legislature, and a taking of property without due process of law. Railroad Company v. Jackson, 7 Wall. 262; State Tax on Foreign-Held Bonds, 15 Wall. 300; Tappan v. Merchants' National Bank, 19 Wall. 490, 499; Delaware &c. R. Co. v. Pennsylvania, 198 U.S. 341, 358. In Chicago &c. R. Co. v. Chicago, 166 U.S. 226, it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was a denial of due process within the Fourteenth Amendment. See also Davidson v. New Orleans, 96 U.S. 97, 102; Missouri Pacific Railway v. Nebraska, 164 U.S. 403, 417; Mt. Hope Cemetery v. Boston, 158 Mass. 509, 519."**

[Union Refrigerator Transit Company v. Kentucky, 199 U.S. 194 (1905)]

For more information on citizenship, domicile, and their effect upon sovereignty and each other, see:

1. Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006 <http://sedm.org/Forms/FormIndex.htm>
2. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002

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

For further information about franchises and privileges and how they affect and destroy your sovereignty, and how to avoid them see:

*Government Instituted Slavery Using Franchises*, Form #05.030

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

## **18.6 Who has been successful in receiving a Certificate of non-citizen National status?<sup>100</sup>**

### **QUESTION:**

Who has been successful in receiving a Certificate of non-citizen National status?

### **ANSWER:**

1. There is no statutory definition of “U.S. national”. Therefore your question is ambiguous.

2. The closest thing to it is:

2.1 8 U.S.C. §1408: “national but not citizen of the United States at birth”

2.2 8 U.S.C. §1452(b): “U.S. non-citizen national” or “non-citizen national”, “national, but not a citizen”. This is the one who gets the endorsement on the passport.

2.3 8 U.S.C. §1101(a)(22)(B): “a [person](#) who, though not a citizen of the [United States](#), owes [permanent](#) allegiance to the [United States](#).”

3. We are not aware of anyone other than people in U.S. possessions getting the “U.S. national” endorsement.

4. No one who is a state national has submitted evidence to us proving they received the endorsement.

5. The people eligible for the endorsement are listed in 8 U.S.C. §1452, but not clearly distinguished from state nationals there.

6. The courts have frequently held that state nationals are “U.S. nationals” or “nationals of the United States OF AMERICA”. See:

*Non-Resident Non-Person Position*, Form #05.020, Section 10.4.5

<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>

7. The state department official position on what a “U.S. national” is based on who they have so far issued the endorsements for “U.S. national” to is that they are those found in 8 U.S.C. §1101(a)(22)(B), 8 U.S.C. §1408 and 8 U.S.C. §1452, and that all these people are those in a possession, even though this conflicts with the court cases listed in the step above. Their position is therefore unsupportable with evidence from a legal perspective.

## **19. FEDERAL CITIZENSHIP BACKGROUND**

*“All government without the consent of the governed is the very definition of slavery.”*  
[Jonathan Swift]

### **19.1 Types of citizenship under federal law**

<sup>100</sup> Source: Family Guardian Forum 7.1.1: Nationality/POLITICAL citizenship, Family Guardian Fellowship; <https://famguardian.org/forums/topic/becoming-a-u-s-national/#post-24811>.

1     At present, there are three types of federal citizenship identified in Title 8 of the U.S. Code, which is an “act of Congress”:  
2



1 **Table 28: Types of federal citizens under federal law**

#	Legal name	Where born	Defined in	Common name	Description
1	"nationals but not <b>citizens</b> of the United States** <u>at birth</u> "	1. American Samoa 2. Swains Island	<a href="#">8 U.S.C. §1408</a> <a href="#">8 U.S.C. §1101(a)(22)(B)</a> ; <a href="#">8 U.S.C. §1452</a>	"U.S.[**] national"	The U.S. Supreme Court and the Constitution call these people "citizens of the United States". See section 19.7 later for details. Used on the 1040NR form to describe people who file that form. Does not describe people who are not born in the federal United States.
2	"U.S.A.*** national" or "state national" or "Constitutional but not statutory U.S.*** citizen"	states of the Union	<a href="#">8 U.S.C. §1101(a)(21)</a>	"national" or "state national"	This person is not necessarily the same as the "U.S.[**] national" above, because it includes people who born in states of the Union. Notice that this term does not mention 8 U.S.C. §1408 citizenship nor confine itself only to citizenship <u>by birth</u> in the federal zone. Therefore, it also includes people born in states of the Union.
3	"nationals and citizens of the United States** <u>at birth</u> "	1. District of Columbia 2. Puerto Rico 3. Guam 4. Virgin Islands 5. Foreign country/abroad to at least one "national" parent. 6. States of the Union	<a href="#">8 U.S.C. §1401</a> ; <a href="#">8 U.S.C. §1101(a)(22)(A)</a>	"U.S.[**] citizen"	All "U.S. citizens" are also "nationals" per <a href="#">8 U.S.C. §1401</a> but "nationals" are not necessarily "U.S. citizens" as per <a href="#">8 U.S.C. §1101(a)(22)(B)</a> . <sup>101</sup> Term used on the 1040 form to describe the children who are being claimed as deductions.

2 Throughout the remainder of this book, when we refer generically to "nationals", we mean status 2 above, which includes  
 3 "state nationals" under 8 U.S.C. §1101(a)(21). STATUTORY "Nationals but not citizens" under 8 U.S.C. §1452 and  
 4 "Nationals but not citizens at birth" under 8 U.S.C. §1408 include only those born in American Samoa and Swains Island,  
 5 which are U.S. possessions.

6 It is very important to be mindful of the context whenever you hear or use the term "citizen of the United States" or "U.S.  
 7 citizen", because the term "United States" has an *entirely different meaning* in federal statutes or "Acts of Congress" than it  
 8 has in the Constitution. This is especially true when filling out government forms. The differences in meaning of these terms  
 9 between the Constitution and "Acts of Congress" is a direct result of the fact that the federal government has no police powers  
 10 within the states. In the Constitution and the rulings of the Supreme Court, the term "United States" means the collective  
 11 states of the Union, while in federal statutes or "Acts of Congress", it means the federal zone. Watch out! Here is a quick  
 12 summary of the effects on meanings based on this very important observation:

13

<sup>101</sup> See 8 Foreign Affairs Manual (F.A.M.), Section 301.1(b) available from: <https://fam.state.gov/FAM/08FAM/08FAM030101.html>

1 **Table 29: Summary of citizenship terms within their context**

#	Term	Contextual meaning		
		Constitution and rulings of the U.S. supreme Court	Federal statutes or "Acts of Congress"	State statutes
1	"citizen"	"National" of the collective states of the Union as described in <i>Minor v. Happersett</i> , 88 U.S. 162 (1874) and 8 U.S.C. §1101(a)(21)	"National" of the federal zone as defined in 8 U.S.C. §1401	"national" of the "state"
2	"citizen of the United States"	"National" of the collective states of the Union or "United States***" as defined in 8 U.S.C. §1101(a)(21)	Territorial citizen born in the federal zone as defined in 8 U.S.C. §1401	"National" of the country "United States" as defined in 8 U.S.C. §1101(a)(21)
3	"U.S. citizen"	Not used	Territorial citizen born in the federal zone as defined in 8 U.S.C. §1401	"National" of the <u>country</u> "United States" as defined in 8 U.S.C. §1101(a)(21)
4	"national of the United States*"	Not used	"National or the United States**" defined in 8 U.S.C. §1101(a)(22)	Not used
5	"national"	Not defined, but equivalent to a Fourteenth Amendment, Section 1 citizen	8 U.S.C. §1101(a)(21)	Not used
6	"U.S. national"	Not used	"National" of the federal zone ("United States**") as defined in 8 U.S.C. §1408 or 8 U.S.C. §1452 and 8 U.S.C. §1101(a)(22)(B)	Not used
7	"citizen of the United States of America"	"National" of the collective states of the Union as described in <i>Minor v. Happersett</i> , 88 U.S. 162 (1874) and 8 U.S.C. §1101(a)(21)	Not used	Not used
8	"national but not citizen of the United States**"	Person born in a federal possession and domiciled there.	8 U.S.C. §1452 and 8 U.S.C. §1408	Not used

2 "citizen[\*] of the United States[\*\*\*]" status under the Constitution is the equivalent to a "national of the United States[\*\*\*]  
3 OF AMERICA. "national and citizen[\*] of the United States[\*]" under 8 U.S.C. §1401(b)-(h), on the other hand, is a  
4 PRIVILEGE and not a right that can be revoked by fiat at any time:

5 *"To be a citizen of the United States is a political privilege which no one, not born to, can assume without its*  
6 *consent in some form."*  
7 *[Elk v. Wilkins, 112 U.S. 94 (1884)]*

8 The Fourteenth Amendment did not create "citizen[\*] of the United States[\*\*\*]" status or add any restrictions to the existing  
9 citizenship laws, but simply allayed doubts and controversies that had arisen prior to that time:

10 *"..the opening sentence of the fourteenth amendment is throughout affirmative and declaratory, intended to ally*  
11 *doubts and to settle controversies which had arisen, and not to impose any new restrictions upon citizenship."*  
12 *[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]*

1 “U.S.[\*\*] citizen[\*]” or “national and citizen of the United States\*\*\*” status under federal statutes and “Acts of Congress” is  
2 different from “citizen of the United States\*\*\*” status under the Fourteenth Amendment, Section 1. “U.S.\*\* citizen” or  
3 “national and citizen of the United States\*\*\*” under federal statutes pursuant 8 U.S.C. §1401(b)-(h) is different from the  
4 Constitutional “citizen of the United States\*\*\*” or statutory “USA national” pursuant to 8 U.S.C. §1101(a)(21). Although  
5 these two nationals are different, they both came into existence as a result of the operation of *The Laws of Nations*. The  
6 Fourteenth Amendment didn’t *create* the Constitutional status of “citizen of the United States\*\*\*”. The only thing that the  
7 ratification of the 14<sup>th</sup> Amendment in 1868 accomplished was to:

- 8 1. Extend the status of “citizen[\*] of the United States[\*\*\*]” to persons of *all* races, instead of only the whites who were  
9 previously the only citizens recognized under the Constitution.
- 10 2. Further extend the privileges and immunities of those persons who were already “citizens of the United States\*\*\*”
- 11 3. Clarify and further define the meaning of the term “citizen of the United States\*\*\*” under the Constitution

12 White persons born in states of the Union always were the equivalent of “nationals” under federal statutes from the very  
13 beginning of our country under *The Law of Nations, Vattel, Book I, Section 212* and they had this status long before the  
14 creation of the 14<sup>th</sup> Amendment in 1868.<sup>102</sup> This is true because a “national” is defined in 8 U.S.C. §1101(a)(21) as someone  
15 who “owes allegiance to a state”. Nationality and allegiance are the only thing you need in order to be regarded as a  
16 CONSTITUTIONAL “citizen” in our country:

17 *“There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies*  
18 *an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons*  
19 *associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to*  
20 *its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a*  
21 *compensation for the other; allegiance for protection and protection for allegiance.*

22 *“For convenience it has been found necessary to give a name to this membership. The object is to designate by a*  
23 *title the person and the relation he bears to the nation. For this purpose the words ‘subject,’ ‘inhabitant,’ and*  
24 *‘citizen’ have been used, and the choice between them is sometimes made to depend upon the form of the*  
25 *government. Citizen is now more commonly employed, however, and as it has been considered better suited to*  
26 *the description of one living under a republican government, it was adopted by nearly all of the States upon*  
27 *their separation from Great Britain, and was afterwards adopted in the Articles of Confederation and in the*  
28 *Constitution of the United States. When used in this sense it is understood as conveying the idea of membership*  
29 *of a nation, and nothing more.*”

30 *“To determine, then, who were citizens of the United States before the adoption of the amendment it is*  
31 *necessary to ascertain what persons originally associated themselves together to form the nation, and what*  
32 *were afterwards admitted to membership.*

33 *“Looking at the Constitution itself we find that it was ordained and established by ‘the people of the United*  
34 *States,’<sup>3</sup> and then going further back, we find that these were the people of the several States that had before*  
35 *dissolved the political bands which connected them with Great Britain, and assumed a separate and equal station*  
36 *among the powers of the earth,<sup>4</sup> and that had by Articles of Confederation and Perpetual Union, in which they*  
37 *took the name of ‘the United States of America,’ entered into a firm league of [88 U.S. 162, 167] friendship with*  
38 *each other for their common defence, the security of their liberties and their mutual and general welfare, binding*  
39 *themselves to assist each other against all force offered to or attack made upon them, or any of them, on account*  
40 *of religion, sovereignty, trade, or any other pretence whatever. 5*

41 *“Whoever, then, was one of the people of either of these States when the Constitution of the United States was*  
42 *adopted, became ipso facto a citizen-a member of the nation created by its adoption. He was one of the persons*  
43 *associating together to form the nation, and was, consequently, one of its original citizens. As to this there has*  
44 *never been a doubt. Disputes have arisen as to whether or not certain persons or certain classes of persons*  
45 *were part of the people at the time, but never as to their citizenship if they were.*”  
46 *[Minor v. Happersett, 88 U.S. 162 (1874)]*

47 The treatment of the term “allegiance” above is significant. We must understand exactly what this word means in order to  
48 understand the foundation of our republican form of government. Below is a definition of “allegiance” from the law  
49 dictionary:

50 *“**Allegiance.** Obligation of fidelity and obedience to **government** in consideration for protection that government*  
51 *gives. U.S. v. Kyh, D.C.N.Y., 49 F.Supp 407, 414. See also Oath of allegiance or loyalty.”*  
52 *[Black’s Law Dictionary, Sixth Edition, p. 74]*

<sup>102</sup> *The Law of Nations*, incidentally, was one of the reference documents that the founders used to write the Constitution.

The person who is a “national” does not have the kind of “allegiance” described above. Allegiance above is to the government, while “nationals” instead have their allegiance to the “state”, which is the sovereign people (as individuals) within the territorial boundaries of the political body and not exclusively the “government”:

8 U.S.C. §1101 Definitions

(a) (21) The term “national” means a person owing permanent allegiance to a state.

The term “state” is then defined as follows:

**“State.** A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. *United States v. Kusche*, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. *Delany v. Morality*, C.C.A.Md., 136 F.2d. 129, 130. **In its largest sense, a “state” is a body politic or a society of men.** *Beagle v. Motor Vehicle Acc. Indemnification Corp.*, 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765. **A body of people occupying a definite territory and politically organized under one government.** *State ex re. Maisano v. Mitchell*, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. *Restatement, Second, Conflicts*, §3. Term may refer either to body politic of a nation (e.g. *United States*) or to an individual government unit of such nation (e.g. *California*).

[...]

**The people of a state, in their collective capacity**, considered as the party wronged by a criminal deed; the public; as in the title of a cause, “*The State vs. A.B.*”  
[*Black’s Law Dictionary*, Sixth Edition, p. 1407]

To have “allegiance” to “a state” as a “national” is to have allegiance to the sovereign within the body politic, which in a republican system of government is the people collectively and individually and not necessarily the government. We *cannot* “assume” or “presume” that the government represents the will of the people. This is especially true when the government has gone bad and is not representing the will of the people. When we have a rebellious government that has strayed from the Constitution and its “de jure” foundation to become a “de facto” government, then the allegiance we have to the Constitution and the people who ordained it must supersede our allegiance to the government that has violated its charter to implement the Constitution. The people, not the government, must always be regarded as the ultimate sovereigns within republican systems of governance.

Ironically, the very definition of the word “privilege” in *Black’s Law Dictionary*, Sixth Edition, seems to contradict the conclusion that “citizenship” can be a privilege to begin with!:

**“Privilege.** A particular benefit or advantage enjoyed by a person, company, or class beyond the common advantages of other citizens. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others.”  
[*Black’s Law Dictionary*, Sixth Edition, p. 1197]

Note above that it says “beyond the common advantages of other citizens”, thus implying that citizenship itself *cannot* be a “privilege” and that you must also be accepting some kind of benefit beyond that of “citizenship” in order to be classified as “privileged”. Furthermore, if everyone accepts this “privilege” (as the government calls it) called “U.S. citizen” status in federal statutes or even if more than half of all natural persons do, then it becomes a “common advantage”, and thus no longer a special privilege granted only to a minority or a select few. This is the situation today with most Americans, where most falsely believe they are “U.S. citizens” as defined by federal statutes. By the above logic and definition, then, a reasonable man could easily conclude that “U.S. citizen” status *cannot* be classified as a “privilege” because it is “common” and is shared by a majority rather than a minority.

## 19.2 History of federal citizenship

So far we have not offered any authority other than statutes to prove that the government actually recognizes two distinct classes of federal citizenship. We will now present additional evidence by describing the 13th and 14th Amendments and the history of how they have been viewed by the Supreme Court of the United States.

Prior to the Thirteenth and Fourteenth Amendments, all persons born in a state of the Union were “citizens[\*] of the United States[\*\*\*]” under the Constitution and under the rulings of the U.S. Supreme Court, but NOT under federal statutes or “Acts of Congress”:

“There is no doubt that women may be citizens. They are persons, and by the fourteenth amendment ‘all persons born or naturalized in the United States and subject to the jurisdiction thereof’ are expressly declared to be ‘citizens of the United States and of the State wherein they reside.’ But, in our opinion, it did not need this amendment to give them that position. Before its adoption the Constitution of the United States did not in terms prescribe who should be citizens of the United States or of the several States, yet there were necessarily such citizens without such provision.

[...]

“The fourteenth amendment did not affect the citizenship of women any more than it did of men. In this particular, therefore, the rights of Mrs. Minor do not depend upon the amendment. She has always been a citizen from her birth, and entitled to all the privileges and immunities of citizenship. The [Fourteenth] Amendment prohibited the State, of which she is a citizen, from abridging any of their privileges and immunities as a citizen of the United States; but it did not confer citizenship on her. That she had before its adoption.

“The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere.

“The [Fourteenth] Amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the Constitution and laws of the States, but it operates for this purpose, if at all, through the States and the state laws, and not directly upon the citizen.

“All the States had government when the Constitution was adopted. These governments the Constitution did not change.”  
[Minor v. Happersett, 88 U.S. 162 (1874)]

Therefore, “citizen[\*] of the United States[\*\*\*]” status under our Constitution and under the rulings of the Supreme Court existed before the passage of the Fourteenth Amendment to the U.S. Constitution. The status of being a “citizen[\*] of the United States[\*\*\*]” under the Constitution and under Supreme Court rulings is equivalent to the status of being a “national” under federal statutes or “Acts of Congress” and is defined in 8 U.S.C. §1101(a)(21).

Towards the end of the Civil War in 1865, the 13th Amendment was ratified and thereby abolished slavery and involuntary servitude except as punishment for a crime. The Supreme Court ruled that the 13th Amendment operated to free former slaves and prohibit slavery, but it in no way conferred citizenship to the former slaves, or to those races other than white, because the founders of the Constitution were all of the white race.

Even after the end of the Civil War and the passage of the Thirteenth Amendment, Southern states were openly discriminating against blacks by denying them state citizenship and political rights. Congress was under political pressure from the northern states and had to do something about this problem. The Fourteenth Amendment was introduced as the answer to this problem because it extended citizenship to persons of all races instead of only the whites covered by our original Constitution. The "big daddy" and chief protector of blacks then became the federal government under the new Fourteenth Amendment. This protection was extended by extending national citizenship, which then made blacks "subject to the jurisdiction of the United States".

“The first section of the fourteenth amendment of the constitution [169 U.S. 649, 676] begins with the words, ‘All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.’ As appears upon the face of the amendment, as well as from the history of the times, this was not intended to impose any new restrictions upon citizenship, or to prevent any persons from becoming citizens by the fact of birth within the United States, who would thereby have become citizens according to the law existing before its adoption. It is declaratory in form, and enabling and extending in effect. Its main purpose doubtless was, as has been often recognized by this court, to establish the citizenship of free negroes, which had been denied in the opinion delivered by Chief Justice Taney in Scott v. Sandford (1857) 19 How. 393; and to put it beyond doubt that all blacks, as well as whites, born or naturalized within the jurisdiction of the United States, are citizens of the United States. Slaughter-House Cases (1873) 16 Wall. 36, 73; Strauder v. West Virginia (1879) 100 U.S. 303, 306; Ex parte Virginia (1879) Id. 339, 345; Neal v. Delaware (1880) 103 U.S. 370, 386; Elk v. Wilkins (1884) 112 U.S. 94, 101, 5 S.Sup.Ct. 41. But the opening words, ‘All persons born,’ are general, not to say universal, restricted only by place and jurisdiction, and not by



1 color or race, as was clearly recognized in all the opinions delivered in the *Slaughter-House Cases*, above cited.  
2 “  
3 [U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

4 The Fourteenth Amendment approach that Congress devised would only work if it could confer national citizenship *without*  
5 conferring state citizenship. This approach was the *only* remedy available to Congress to end slavery and discrimination in  
6 the southern states because the federal government did *not* have the authority under the Constitution to determine if a former  
7 slave could become a Citizen of one of the several states since the 9th and 10th Amendments said that powers not granted  
8 specifically to the federal government by the Constitution are reserved to the states or to the People.

9 History shows that the Pennsylvania Commonwealth and New York State were nationalizing blacks as State Citizens before  
10 the outbreak of the Civil War. In other southern states, blacks were not Citizens and therefore did not have standing in any  
11 court based on the privileges and immunities of “citizens of the United States”. The 14<sup>th</sup> Amendment was written primarily  
12 to afford citizenship to those of the black race that were recently freed by the 13<sup>th</sup> Amendment (*Slaughter-House Cases*, 16  
13 Wall. 36, 71), and did not include Indians and others NOT born in and subject to the jurisdiction of the United States (*McKay*  
14 *v. Cambell*, 2 Sawy. 129). Thus, the 14<sup>th</sup> Amendment recognized that an individual can be a “citizen of the United States\*\*\*”  
15 under the Constitution *without* being a Citizen of a State.” (*Slaughter-House Cases*, supra; cf. *U.S. v. Cruikshank*, 92 U.S.  
16 542 (1875)).

17 The Fourteenth Amendment was introduced for ratification to the states on June 16, 1866 and ratification was completed on  
18 July 28, 1868 at the end of the Civil War by the three fourths of the states required by the Constitution.<sup>103</sup> Ratification of the  
19 amendment by the southern states was made a precondition of them being readmitted back into the Union after the war. Until  
20 they were readmitted into the union, they were conquered federal territories.<sup>104</sup> Many of the southern states that voted in  
21 favor of ratifying the amendment did so at gunpoint while they were occupied by federal troops! Their legislatures in many  
22 such cases were summarily dismissed as “rebels” by Congress and replaced with puppet legislatures hand-selected by  
23 Congress following the cessation of war. You could say that they ratified the amendment under duress because of this, and  
24 that the amendment is therefore invalid because the ratification must be entirely voluntary to be legally binding. Furthermore,  
25 before they voted on this ratification, they had no representation in Congress and were “outnumbered” until they gave in.

26 The blacks following the civil war therefore had to be “collectively naturalized” into the status of being “citizens[\*] of the  
27 United States[\*\*\*]” so they could then freely roam to any state and be citizens of the state they were in, even if that state  
28 refused to grant them state citizenship. In order to do this, “citizen[\*] of the United States[\*\*\*]” status under the Constitution  
29 had to be made paramount and dominant over state citizenship

30 “The first of these questions is one of vast importance, and lies at the very foundations of our government. The  
31 question is now settled by the fourteenth amendment itself, that citizenship of the United States is the primary  
32 citizenship in this country; and that State citizenship is secondary and derivative, depending upon citizenship  
33 of the United States and the citizen's place of residence. The States have not now, if they ever had, any power  
34 to restrict their citizenship to any classes or persons. A citizen of the United States has a perfect constitutional  
35 right to go to and reside in any State he chooses, and to claim citizenship therein, [83 U.S. 36, 113] and an  
36 equality of rights with every other citizen; and the whole power of the nation is pledged to sustain him in that  
37 right. He is not bound to cringe to any superior, or to pray for any act of grace, as a means of enjoying all the  
38 rights and privileges enjoyed by other citizens. And when the spirit of lawlessness, mob violence, and sectional  
39 hate can be so completely repressed as to give full practical effect to this right, we shall be a happier nation, and  
40 a more prosperous one than we now are. Citizenship of the United States ought to be, and, according to the  
41 Constitution, is, a surt and undoubted title to equal rights in any and every States in this Union, subject to such  
42 regulations as the legislature may rightfully prescribe. If a man be denied full equality before the law, he is denied  
43 one of the essential rights of citizenship as a citizen of the United States.”  
44 [*Slaughter-House Cases*, 83 U.S. 36 (1873)]

45  
46 “By the thirteenth amendment of the constitution slavery was prohibited. The main object of the opening sentence  
47 of the fourteenth amendment was to settle the question, upon which there had been a difference of opinion  
48 throughout the country and in this court, as to the citizenship of free negroes. (*Scott v. Sandford*, 19 How. 393;) and to put it beyond doubt that all persons, white or black, and **whether formerly slaves or not, born or**  
49 **naturalized [collectively naturalized, in the case of slaves] in the United States[\*\*\*], and owing no allegiance**  
50 **to any alien power, should be citizens of the United States[\*\*\*] and of the state in which they reside.** *Slaughter-*  
51 *House Cases*, 16 Wall. 36, 73; *Strauder v. West Virginia*, 100 U.S. 303 , 306. ”  
52

<sup>103</sup> See dissenting opinion of Chief Justice Fuller in *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898).

<sup>104</sup> See *Dyett v. Turner*, 439 P.2d. 266 (1968). Available at: <http://famguardian.org/Subjects/LawAndGovt/Citizenship/Dyett/dyett.htm>

The blacks were therefore collectively naturalized *without their consent* following the Civil War in the *Civil Rights Act of 1866* on April 9, 1866, 14 Stat. 27 so they could be protected from state government abuses of their natural rights.

*"By the act of April 9, 1866, entitled 'An act to protect all persons in the United States in their civil rights, and furnish means for their vindication,' (14 St. 27,) it is provided that 'all persons born in the United States, and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States.' This, so far as we are aware, is the first general enactment making persons of the Indian race citizens of the United States. Numerous statutes and treaties previously provided for all the individual members of particular Indian tribes becoming, in certain contingencies, citizens of the United States. But the act of 1866 reached Indians not in tribal relations. **Beyond question, by that act, national citizenship was conferred directly upon all persons in this country, of whatever race, (excluding only 'Indians not taxed,') who were born within the territorial limits of the United States, and were not subject to any foreign power.**"*  
[Elk v. Wilkins, 112 U.S. 94 (1884)]

Congress had the exclusive authority to collectively naturalize the blacks under Article 1, Section 8, Clause 4 of the U.S. Constitution. Collective naturalization also occurs, for instance, when a new territory is annexed to the "United States". An example of collective naturalization was the case of the Louisiana Purchase from France or the Alaska Purchase from Russia. Note that at the time of the Louisiana Purchase and the Alaska Purchase, these areas became federal territories, which are the proper subject of exclusive federal jurisdiction and Acts of Congress. The U.S. Supreme Court calls these areas "inchoate states" in their rulings. The same condition applied to the southern states following the Civil War, which effectively became federal territories during the period when they were conquered but had not yet rejoined the Union. Conditions had been placed on them in order to rejoin. For instance, they could not send representatives to the Congress until they had ratified the Fourteenth Amendment. In effect, they would be slaves of the rest of the states until they had consented to the ratification of the Fourteenth Amendment that would help eliminate slavery. During the time that the southern states were federal territories, an act of Congress such as the Civil Rights Act of 1866 could lawfully be passed to naturalize all the blacks. Once they rejoined the Union as sovereign states, such an act could not have been passed because the jurisdiction of the states within their borders would again have been exclusive and plenary.

To restate: In the *Slaughter-House Cases*, 16 Wall. 36, 71 *supra* the U.S. Supreme Court held:

*"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances of the individual. Of the privileges and immunities of the citizens of the United States and of the privileges and immunities of the citizen of the state, and what they respectively are, we will presently consider; but we wish to state here that it is only the former which are placed by this clause under the protection of the Federal Constitution, and the latter, whatever they may be, are not intended to have any additional protection by this paragraph of the amendment."*

The U.S. Supreme Court has also ruled that "The term United States is a metaphor [a figure of speech]". *Cunard S.S. Co. v. Mellon*, 262 U.S. 100, 122; and that

*"The term 'United States' may be used in one of several senses. It may be merely the name of a sovereign occupying the position analogous to that of sovereign in a family of nations. It may designate territory over which sovereignty of the United States extends, or it may be a collective name of the states which are united by and under the Constitution."*  
[Hooven & Allison Co. v. Evatt, 324 U.S. 652, 672-73.]

Did the Courts really say that someone could be a Citizen of a State without being a "citizen of the United States" (which means "national of the United States" in federal statutes)? Yes, they did. Who would fit this description? How about a national from another country who resides in a state of the Union and who has not yet been naturalized under the laws of this country. It's true that the cases cited above are old, some over 100 years old. None of these cases have ever been overturned by a more recent decision, so they are valid. A more recent case is *Crosse v. Bd. of Supervisors*, 221 A.2d. 431 (1966) which says:

*"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state." Citing U.S. v. Cruikshank, supra.*

The Pennsylvania Commonwealth, for instance, is one of the "several states" described in the Constitution. The Constitution treats the several states of the Union as independent countries and jurisdictions that are "foreign" to each other and to the federal government for the purposes of legislative jurisdiction and internal "police powers". 28 U.S.C. §297 makes it very clear that the states of the Union are "foreign countries" with respect to each other. Each state is on an equal footing with all

the other states of the Union in terms of its sovereignty and nearly exclusive control over everything that happens internal to its borders. The Buck Act in 1940 created federal areas inside the 50 Union states. If you live in a federal area, you are subject to federal territorial laws and the municipal laws of the District of Columbia. The Internal Revenue Service (IRS) is internal to the federal zone. The Pennsylvania Commonwealth is not part of the federal zone, but the Commonwealth of Pennsylvania is. PA is the name that the post office recognizes for mail sent into the Commonwealth of Pennsylvania, which is a federal area. Pa., Penna., and Pennsylvania are the names that the post office uses for mail sent into the Pennsylvania Commonwealth, which is not a federal area. If I accept mail sent to PA, I am saying that I live in the federal zone. The same situation exists in the other states.

One important outcome of being a “U.S. citizen” under federal statutes and “Acts of Congress” is that the federal government may tax only its own “U.S. citizens” when they reside outside of federal territorial jurisdiction, for instance when they are in foreign countries. See the Supreme Court case of *Cook v. Tait* for authorities on this subject. In the U.S. Constitution Annotated, under the Fifth Amendment (see <http://caselaw.lp.findlaw.com/data/constitution/amendment05/13.html> - 6), here is what it says about this subject:

*In laying taxes, the Federal Government is less narrowly restricted by the Fifth Amendment than are the States by the Fourteenth. **The Federal Government may tax property belonging to its [“U.S.”] citizens, even if such property is never situated within the jurisdiction of the United States.**<sup>105</sup> and it may tax the income of a citizen resident abroad, which is derived from property located at his residence.<sup>106</sup> The difference is explained by the fact that protection of the Federal Government follows the citizen wherever he goes, whereas the benefits of state government accrue only to persons and property within the State's borders.*

It is important, however, to point out that the Union states are exempted from direct taxes under Article 1, Section 9, Clause 4 and Article 1, Section 2, Clause 3 of the Constitution but foreign countries where “U.S.[\*\*] citizens[\*\*+D]” (under federal statutes) reside are not. This point is VERY important, and clearly indicates from where the tax jurisdiction of the United States government derives. It isn’t exclusively a geographical jurisdiction as far as taxes internal to the federal zone go, but instead originates mainly from our civil “U.S.[\*\*] citizen[\*]” status under federal statutes and “Acts of Congress”. Through this devious mechanism of fooling State Nationals into becoming privileged “U.S. citizens” under federal statutes and “Acts of Congress”, the federal government usurped the Sovereignty of the People, as well as the Sovereignty of the several Union states. They also usurped the authority of sovereign state nationals by creating “Federal areas” within the authority of Article IV, Section 3, Clause 2 in the Constitution for the United States of America which states:

*“The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United states, or of any particular State.”*

**Therefore, all STATUTORY civil “U.S.[\*\*] citizens[\*\*+D]” [i.e. citizens of the District of Columbia and the territories described in federal statutes] residing in one of the states of the Union, are classified as property and franchisees of the federal government,** and as an “individual” entity! These serfs are “completely subject to the jurisdiction of the United States” no matter where they reside because they are chattel and slaves of that government. See *Wheeling Steel Corp. v. Fox*, 298 U.S. 193, 80 L.Ed. 1143, 56 S.Ct. 773 (1936). Under the “Buck Act,” 4 U.S.C Secs. 105-113, the federal government has created a “Federal area” or “enclave” within the boundaries of the several states. This area is similar to any territory that the federal government acquires through purchase, conquest or treaty, thereby imposing federal territorial law upon the people in this “Federal area.” Federal territorial law is evidenced by the Executive Branch's Admiralty flag (a federal flag with a gold or yellow fringe on it) flying in schools, offices and courtrooms. As you will find out in section 5.6.1 of the *Tax Fraud Prevention Manual*, Form #06.008, “Acts of Congress” and all federal crimes falling under Title 18, the Criminal Code, only apply inside these federal areas and not within states of the Union.

There are actually four potential sources of federal jurisdiction over “nationals” living in a state of the Union:

1. In personam jurisdiction
2. Citizenship
3. Territorial jurisdiction. If a person’s “domicile” is within the territorial jurisdiction, then they are subject to the jurisdiction of the sovereign.
4. Subject matter jurisdiction

<sup>105</sup> United States v. Bennett, [232 U.S. 299, 307](#) (1914).

<sup>106</sup> Cook v. Tait, [265 U.S. 47](#) (1924).

1 “Nationals”, also called “citizens[\*] of the United States[\*\*\*]” by the Supreme Court and the Fourteenth Amendment, are  
2 subject to the political (but not legislative) jurisdiction of the “United States\*\*\*” even when they are outside the territorial  
3 jurisdiction of that country United States\*. That is the whole reason why we have embassies in foreign countries: to protect  
4 citizens residing in foreign lands. States of the Union do not have legislative jurisdiction over their citizens when they are  
5 outside the state. However, today all state citizens are also citizens of the United States\*\*\* and hence all state citizens have  
6 the same protections when they are outside of the “U.S.\*\*\*” that was spoken of at the beginning of this paragraph, meaning  
7 outside the country United States\*. Federal political jurisdiction derives from being a “national of the United States[\*\*]”  
8 under 8 U.S.C. §1101(a)(22) or from birth or naturalization within a Constitutional state under the Fourteenth Amendment.  
9 Being a “U.S.[\*\*] citizen[\*]” under federal statutes is a revocable statutory privilege while being a CONSTITUTIONAL  
10 citizen under the Fourteenth Amendment is a right after it is acquired by birth or naturalization. It cannot be unilaterally  
11 revoked by the government without your consent. *Afroyim v. Rusk*, 387 U.S. 253 (1967). We hope this clears up all  
12 remaining doubts you might have about the nature of federal citizenship.

13 Now for a little history on citizenship prior to the Civil War. To begin, the "citizen of the United States\*" in 26 C.F.R.  
14 §31.3121(e) -1 is a citizen of a territory or possession of the United States under Title 48 of the U.S. Code and 8 U.S.C.  
15 §1401. This citizenship doesn't have anything to do with the Fourteenth Amendment. It is a special "non-constitutional"  
16 class of citizenship. This misunderstanding dates back to 1803 at the time of the Louisiana Purchase. Article 1, Section 8,  
17 Clause 17 jurisdiction applies exclusively to:

- 18 1. The District of Columbia as the seat of government, and
- 19 2. Territory within states of the Union ceded to the United States for purposes specified.

20 The territorial clause, at Article 4, Section 3, applied only to what was known as the Northwest Territory ceded by New York  
21 and other new sovereign states in 1787 to help pay off debts of the Revolution.

22 In the cession treaty with France, there were two important provisions for territory ceded as a result of the Louisiana Purchase:

- 23 1. Those who lived in the territory would enjoy all rights, benefits, and protections of "citizens of the United States\*\*\*,"  
24 and
- 25 2. As the territory was settled, it would become one or more States of the Union.

26 Thomas Jefferson was President at the time. He knew that the Constitution makes no provision for acquisition of new  
27 territories so he drafted two proposed amendments to accommodate the Louisiana Purchase and the treaty provisions.  
28 However, Congress elected to do nothing, reasoning that territorial acquisition was implicit from the constitutional provisions  
29 relating to waging war & making treaties. As a consequence, the U.S. Government has been operating under implied rather  
30 than constitutionally enumerated powers for territorial acquisition ever since.

31 Until the Spanish-American War (1898), cession treaties all included the two key elements that were in the Louisiana  
32 Purchase -- the acquired territory would become one or more States of the Union, and those living in the territory would enjoy  
33 all rights, benefits and protections the Constitution affords citizens of the several States until such time as the territory was  
34 admitted to the Union. When Spain ceded Puerto Rico & the Philippines, the cession treaty did not include those provisions.

35 If you will read the *Downes v. Bidwell* case, that U.S. Supreme Court decision, and the other Insular Tax Cases decided in  
36 the same general timeframe, a distinction was made between incorporated territories such as Alaska and Hawaii (destined to  
37 become States of the Union, per cession treaties), and the new "unincorporated" insular possessions. They were deemed  
38 "foreign" to States of the Union, i.e., to the "United States," in that they were not under the "constitutional umbrella."

39 In 1917, Congress extended nationality ("national of the United States\*\*") status to the people of Puerto Rico; in 1927, the  
40 status was extended to the people of the Virgin Islands, etc., until citizenship was finally extended to the people of Guam,  
41 American Samoa and the Northern Mariana Islands. It appears that nationality ("national of the United States\*\*") status was  
42 also extended to the people of Alaska and Hawaii prior to the two being admitted to the Union, but in all cases it was a "non-  
43 constitutional" citizenship -- the Fourteenth Amendment didn't have a thing to do with it, because these were territories at the  
44 time and were not part of the “United States\*\*\*” as referred to in the Constitution.

45 One of the important declarations in *Downes v. Bidwell* is that once the Constitution has been extended to a territory, it cannot  
46 be withdrawn. The District of Columbia, federal enclaves ceded by states of the Union for Article 1, Section 8, Clause 17  
47 purposes, the Northwest Territory, and territories acquired from 1803 to 1898 all enjoyed the same benefit of falling under

the constitutional umbrella without being part of the “United States” within the meaning of the Constitution. However, until admitted to the Union, people in the territories, as well as those in today's unincorporated insular possessions:

1. Did not elect Senators and Representatives to Congress, and
2. could not vote in presidential elections. Additionally, both incorporated territories and unincorporated possessions are or were subject to Congress' plenary power, i.e., the "municipal" authority of the United States.

An essential necessary to understand the scheme is to understand that "all legislation is geographical in nature." In other words, it applies to a territory. The Social Security Act of 1935 applied to the "geographical United States\*\*," i.e., to territories and possessions of the United States\*\*. It did not apply to states of the Union, and there is no special provision that extends application to federal enclaves within States of the Union. This is one of the reasons there are some code sections that conditionally include the District of Columbia where others don't.

If you would like to study the history of citizenship further, the best and most authoritative source is the Supreme Court case of *Minor v. Happersett*, 88 U.S. 162 (1874).

### 19.3 Constitutional Basis of federal citizenship

Here is Section 1 of the 14<sup>th</sup> Amendment that confers “national” citizenship upon persons born in the United States\*\*\*:

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

Prior to the introduction of the Fourteenth Amendment after the Civil War, the U.S. Constitution only established the individual rights enumerated by the first eight Amendments to the U.S. Constitution at the *federal level*. This meant that prior to the Fourteenth Amendment, the individual rights enumerated by the first eight amendments to the U.S. Constitution were *not* guaranteed to Americans by the states of the Union and many state constitutions did not universally include all of these rights. The Fourteenth Amendment was introduced at the federal level to compel states to honor the first 8 amendments of the constitution in the case of all “citizens of the United States”.<sup>107</sup> These “citizens of the United States” identified by both the Fourteenth Amendment and the U.S. Supreme Court are referred to as “nationals but not citizens” or simply “nationals of the United States” within federal statutes.<sup>108</sup> Here is how the Supreme Court of the United States described the significance of the Fourteenth Amendment in terms of its effect on federal legislative jurisdiction:

*“The [Fourteenth] amendment prohibited the state, of which she is a citizen, from abridging any of her privileges and immunities as a citizen of the United States, but it did not confer citizenship on her. That she had before its adoption.*

*“If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the Constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is therefore presented whether all citizens are necessarily voters.*

*“The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case, we need not determine what they are, but only whether suffrage is necessarily one of them.*

[. . .]

*The [Fourteenth] amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guaranty for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the states, but it operates for this purpose, if at all, through the states and the state laws, and not directly upon the citizen.”*  
*[Minor v. Happersett, 88 U.S. 162 (1874)]*

<sup>107</sup> See Cong. Globe, 39th Cong., 1st Sess., pt. 3, p. 2765 through 2766 (May 23, 1866).

<sup>108</sup> See 8 U.S.C. §1452.



So we can see that the Fourteenth Amendment operates exclusively through the states and state law, not through federal law. It is not a source of federal legislative jurisdiction, but simply confers membership in the political community called the “United States\*\*\*” by virtue of their birth in a state of the Union.

Following the introduction of the Fourteenth Amendment, it became quite common for people to confuse “citizens of the United States\*\*\*” under the Fourteenth Amendment and under Supreme Court rulings with “U.S. citizens” under federal statutes and “Acts of Congress” such as 8 U.S.C. §1401, which are two completely different statuses. Because of this confusion, people in states of the Union would almost universally but mistakenly identify themselves as “U.S. citizens” under the authority of federal statutes on the many government forms they would eventually submit in the context of federal taxes. This created a “false presumption” and evidence supporting the belief that they are residents of the federal zone and feudal serfs of Congress. Through this devious obfuscation mechanism, people who were victims of such confusion became “property and franchisees of the federal government” in receipt of taxable privileges who were aliens in their own state and whose “U.S. citizen” status made them into residents and citizens of the federal zone from a legal perspective. Sneaky politicians would later introduce the Buck Act of 1940 following the passage of the Fourteenth Amendment in 1868 as a way to allow states to tax this franchise and states would later introduce income tax statutes of their own to cash in on these federal slaves.

Remember the U.S. Supreme Court’s definition of the term “United States” in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945) which we talked about earlier in section 1 in which there were three definitions of “United States”? The key to understanding the meaning of the 14<sup>th</sup> Amendment shown above are the words “United States\*\*\*”, which means the collective states of the Union of states in the context of the Constitution, and “the jurisdiction”, which means the political and NOT legislative jurisdiction of these states.

*“It is impossible to construe the words ‘subject to the jurisdiction thereof,’ in the opening sentence [of the Fourteenth Amendment], as less comprehensive than the words ‘within its jurisdiction,’ in the concluding sentence of the same section; or to hold that persons ‘within the jurisdiction’ of one of the states of the Union are not ‘subject to the jurisdiction of the United States[\*\*\*].”*  
[U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]

Now do you understand? Can you also understand then why your government would want you to be a federal statutory political “U.S.[\*\*] citizen[\*]” defined in 8 U.S.C. §1401 and who lives and has a domicile in the federal zone from a legal perspective? They can legally make you into a slave with no rights who is completely subject to their jurisdiction! Tricky, huh? The U.S. Supreme Court confirmed these conclusions in *Downes v. Bidwell*, 182 U.S. 244 (1901), when it said in pertinent part:

*“The 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude ‘within the United States, or in any place subject to their jurisdiction,’ is also significant as showing that there may be places within the jurisdiction of the United States that are no part of the Union. To say that the phraseology of this amendment was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United States.*

*Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.’ Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place ‘subject to their jurisdiction.’”*

The Social Security Program Operations Manual System (P.O.M.S.) clarifies the meaning of “subject to the jurisdiction” found in section 1 of the Fourteenth Amendment:

*Social Security Program Operations Manual System (P.O.M.S.)*

[GN 00303.100 U.S. Citizenship\[...\]](#)

##### **5. SUBJECT TO THE JURISDICTION OF THE U.S.**

**Individuals under the purview of the Fourteenth Amendment (which states that all individuals born in the U.S. and to whom U.S. laws apply are U.S. citizens).** Acquisition of citizenship is not affected by the fact that the alien parents are only temporarily in the U.S. at the time of the child’s birth. Under international law, children born in the U.S. to foreign sovereigns or foreign diplomatic officers listed on the State Department Diplomatic List are not subject to the jurisdiction of the U.S.

The legal encyclopedia, American Jurisprudence, further clarifies the meaning of U.S. citizenship as follows:

*3C American Jurisprudence 2d, Aliens and Citizens, §2689 (1999) Who is born in United States and subject to United States jurisdiction*

*"A person is born subject to the jurisdiction of the United States, for purposes of acquiring citizenship at birth, if his or her birth occurs in territory over which the United States is sovereign, even though another country provides all governmental services within the territory, and the territory is subsequently ceded to the other country."*

Therefore, an individual may not legally be a political "U.S.[\*\*] citizen[\*]" or "citizen of the United States" under federal statutes or "Acts of Congress" unless he or she was born on a federal territory, such as in Guam, the Virgin Islands, or Puerto Rico. States of the Union are not territories of the central government. Below is the definition of the word "territory" so you can see for yourself, right from Black's Law Dictionary, Sixth Edition, p. 1473:

***"Territory:** A part of a country separated from the rest, and subject to a particular jurisdiction. Geographical area under the jurisdiction of another country or sovereign power.*

***A portion of the United States not within the limits of any state**, which has not yet been admitted as a state of the Union, but is organized with a separate legislature, and with executive and judicial powers appointed by the President."*

The major legal encyclopedia, Corpus Juris Secundum (C.J.S.), has the following enlightening things to say about the word "territory":

*86 Corpus Juris Secundum, Territories*

*§1. Definitions, Nature, and Distinctions*

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

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

*"Territories" or "territory" as including "state" or "states."*

*While the term "territories of the" United States may, under certain circumstances, include the states of the Union, as used in the federal Constitution, and in ordinary acts of congress "territory" does not include a foreign state.*

*As used in this title, the term "territories" generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states."*  
*[86 Corpus Juris Secundum (C.J.S.), Territories, §1 (2003)]*

The U.S. Supreme Court also defined precisely what "territory" meant as follows:

***"Various meanings are sought to be attributed to the term 'territory' in the phrase 'the United States and all territory subject to the jurisdiction thereof.' We are of opinion that it means the regional areas- of land and adjacent waters-over which the United States claims and exercises [plenary/exclusive] dominion and control as a sovereign power.** The immediate context and the purport of the entire section show that the term is used in a physical and not a metaphorical sense-that it refers to areas or districts having fixity of location and recognized boundaries. See United States v. Bevens, 3 Wheat. 336, 390.*

"It now is settled in the United States and recognized elsewhere that the territory subject to its jurisdiction includes the land areas under its dominion and control, the ports, harbors, bays and other enclosed arms of the sea along its coast and a marginal belt of the sea extending from the coast line outward a marine league, or three geographic miles. Church v. Hubbard, 2 Cranch, 187, 234; The Ann, 1 Fed.Cas. No. 397, p. 926; United States v. Smiley, 27 Fed.Cas. No. 16317, p. 1132; Manchester v. Massachusetts, 139 U.S. 240, 257, 258 S., 11 Sup.Ct. 559; Louisiana v. Mississippi, 202 U.S. 1, 52, 26 S.Sup.Ct. 408; 1 Kent's Com. (12th Ed.) \*29; 1 Moore, [262 U.S. 100, 123] International Law Digest, 145; 1 Hyde, International Law, 141, 142, 154; Wilson, International Law (8th Ed.) 54; Westlake, International Law (2d Ed.), p. 187, et seq; Wheaton, International Law (5th Eng. Ed. [ Phillipson]) p. 282; 1 Oppenheim International Law (3d Ed.) 185-189, 252. This, we hold, is the territory which the amendment designates as its field of operation; and the designation is not of a part of this territory but of 'all' of it."  
[Cunard S.S. Co. v. Mellon, 262 U.S. 100, 43 S.Ct. 504 (1923)]

It is extremely important to emphasize once again the need to consider the context of the words being used in order to properly and clearly understand federal jurisdiction. The term "subject to the jurisdiction" as used in the Fourteenth Amendment of the Constitution has an entirely different meaning than the term "subject to its jurisdiction" as used in federal statutes or "Acts of Congress". Below is a table that hopefully will make the distinctions clear in your mind:

**Table 30: Constitution v. Federal Statute jurisdiction**

Context	Term used	Authority where cited	Where term used within authority cited	Jurisdiction
Federal statute or "act of Congress"	"subject to <u>its</u> jurisdiction"	Cunard S.S. Co. v. Mellon, 262 U.S. 100 (1923)	National Prohibition Act (41 Stat. 305)	Federal zone only under Article 1, Section 8, Clause 17 of the Constitution. Refers to both legislative and political jurisdiction.
U.S. Constitution	"subject to <u>the</u> jurisdiction"	U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)	Fourteenth Amendment, section 1	The collective states of the Union. Does not include any part of the federal zone. Applies ONLY to "political jurisdiction" and excludes "legislative jurisdiction".

An interesting and important outcome of the above analysis regarding the Fourteenth Amendment is the following very reasonable conclusion:

*If you claim to be a federal "U.S. citizen" under the Internal Revenue Code and yet do not live in the federal United States\*\*/federal zone, the only way you can be subject to the jurisdiction of the United States is to yourself be property or territory of the United States! **That's right: you are a slave!** The only thing subject to the jurisdiction of the United States is its territory, and if you aren't on federal property then YOU are federal territory!*

Humans born in the sovereign 50 Union states outside of the "federal zone" are technically not "U.S. citizens" under federal statutes, but "nationals" as defined in 8 U.S.C. §1101(a)(21). As CONSTITUTIONAL but not STATUTORY "nationals", they are classified as "nonresident aliens" within the Internal Revenue Code, but only when engaged in a public office. If not engaged in a public office, they are STATUTORY "non-resident non-persons":

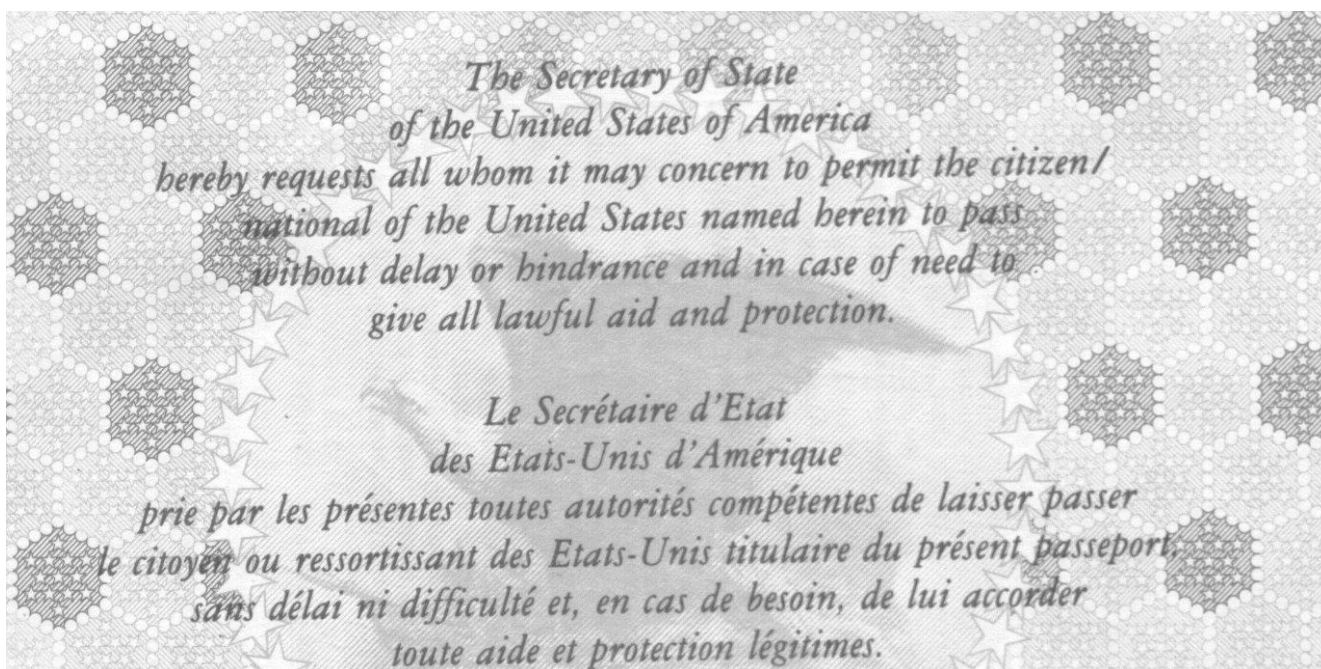
26 U.S.C. §7701 Definitions

(A) Nonresident alien

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

One of our readers took this section a step further and actually examined her passport. Below is a snapshot of what the cover of the U.S. passport says, which confirms the fact that U.S. passports recognize two classes of citizenship: "U.S. citizens" and "nationals":

**Figure 9: Copy of U.S. Passport Cover**



We can now apply what we have just learned above to the federal government’s definition of “U.S.[\*\*] citizen[\*\*+D]” found in the Internal Revenue Code and explain why they defined it the way they did. Are you a “U.S. citizen”? Here’s the only definition of “citizen[\*\*+D] of the United States[\*\*]” found anywhere in the Internal Revenue Code (I.R.C.) or 26 CFR:

26 C.F.R. 31.3121(e)-1 State, United States, and citizen.

(b)...The term 'citizen of the United States' includes a citizen of the Commonwealth of Puerto Rico or the Virgin Islands, and, effective January 1, 1961, a citizen of Guam or American Samoa.

The answer is **EMPHATICALLY NO!** The above definition, you will note, also depends on the definition of “United States” or “U.S.” appearing in [26 U.S.C. §7701\(a\)\(9\)](#) and [26 U.S.C. §7701\(a\)\(10\)](#), which means the federal United States in the context of the Internal Revenue Code. The context must always be examined to determine which of the two types of federal citizens (nationals or citizens) they are talking about. Therefore, the only thing “U.S.[\*\*] citizen[\*\*+d]” or “citizen[\*\*+d] of the United States[\*\*]” can mean in Subtitles A and C of the Internal Revenue Code is persons born in federal territories and possessions, which doesn’t include most of us. Based on what we just learned, we can now understand why the conniving lawyers inhabiting the District of Columbia (Washington, D.C.) defined it the way they did! Puerto Rico, the Virgin Islands, American Samoa, and Guam are all federal TERRITORIES and territories are the only place that “U.S.[\*\*] citizens[\*\*]” as defined above can be born and reside! The District of Columbia is NOT a territory as the word is correctly defined!

The Fourteenth Amendment has two requirements in order to be a “citizen of the United States ”:

1. Born in a state of the Union **AND**
2. “subject to the jurisdiction” of the federal government.

We must therefore think very clearly about what it means to be “subject to the jurisdiction” above and what context we are talking about: federal statutes versus the Constitution. You will find out later in section 4.11 that the term “subject to the jurisdiction” means the political jurisdiction, which means the ability to vote or serve on jury duty within the 50 states of the Union. If we therefore reside in the 50 Union states and outside of the federal zone, then we are technically “subject to the [political] jurisdiction” of the federal government under the Constitution, but at the same time, we are **not** subject to most federal statutes and regulations or to the Internal Revenue Code. The founding fathers endowed us with the ability to participate politically in voting and jury service within our country without subjecting ourselves to federal police powers or legislative jurisdiction.

How does the government rope us into the jurisdiction of federal statutes and “Acts of Congress” so they can tax and pillage us? They use confusing terms and definitions on tax and voter registration and jury duty forms to get us to “volunteer” or



“elect” to be treated as though we are statutory political “U.S.[\*\*] citizens[\*\*]” under 8 U.S.C. §1401 who are subject to federal law and who reside inside the federal zone. For instance, they scare us into filling out an IRS Form 1040 that creates a false but prima facie presumption that we occupy the federal zone as a “alien”.<sup>109</sup> In effect, they trick us by abusing language into admitting that we occupy the federal zone so they can make us into financial slaves, and it’s perfectly legal because the Thirteenth Amendment prohibition against involuntary servitude doesn’t apply inside the federal zone!

#### 19.4 The voluntary nature of citizenship: Requirement for “consent” and “intent”

As we said in section 4.11, the act of becoming a citizen is a voluntary act and requires an intent and consent on your part. The government likes to rig its forms to deceive you into admitting that you are a civil “U.S.[\*\*] citizen[\*\*+D]” under the Internal Revenue Code, which most people aren’t. Whenever you see any kind of state or federal government form that asks you whether you are a “U.S. citizen”, remember that they are asking about your “intent” and asking for your “consent” to treat you as a “U.S.[\*\*] citizen[\*\*+D]”. In doing so, what they are really asking you but can’t say outright:

*“Do you want to volunteer to give up all of your rights and become a slave to state and federal income taxes who is devoid of Constitutional rights? Do you want to be a Socialist puppet of your government?”*

If your answer is yes, you have just volunteered into slavery and servitude to the federal government, in effect. There is absolutely no advantage whatsoever to becoming a civil “U.S.[\*\*] citizen[\*\*+D]” because as we said before, your rights don’t come from your citizenship, but from where you live. Even the U.S. Supreme Court says that citizenship is an optional and voluntary act:

**“The people of the United States resident within any State are subject to two governments: one State, and the other National; but there need be no conflict between the two. The powers which one possesses, the other does not. They are established for different purposes, and have separate jurisdictions. Together they make one whole, and furnish the people of the United States with a complete government, ample for the protection of all their rights at home and abroad. True, it may sometimes happen that a person is amenable to both jurisdictions for one and the same act. Thus, if a marshal of the United States is unlawfully resisted while executing the process of the courts within a State, and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance, and that of the State by the breach of peace, in the assault. So, too, if one passes counterfeited coin of the United States within a State, it may be an offence against the United States and the State: the United States, because it discredits the coin; and the State, because of the fraud upon him to whom it is passed. This does not, however, necessarily imply that the two governments possess powers in common, or bring them into conflict with each other. It is the natural consequence of a citizenship [92 U.S. 542, 551] which owes allegiance to two sovereignties, and claims protection from both. **The citizen cannot complain, because he has voluntarily submitted himself to such a form of government.** He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.”**  
[United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]

Returning to the Cruikshank cite above and the meaning of the word “voluntarily” in the context of “U.S. citizen” status, look at the definition of “voluntary”. Here is it:

**“Voluntary: Unconstrained by interference; unimpelled by another’s influence; spontaneous; acting of oneself. Coker v. State, 199 Ga. 20, 33 S.E.2d. 171, 174. Done by design or intention. Proceeding from the free and unrestrained will of the person. Produced in or by an act of choice. Resulting from free choice, without compulsion or solicitation. The word, especially in statutes, often implies knowledge of essential facts. Without valuable consideration; gratuitous, as a voluntary conveyance. Also, having a merely nominal consideration; as, a voluntary deed.”**  
[Black’s Law Dictionary, Sixth Edition, p. 1575]

The implications here are profound, because the Supreme Court is implying here that we don’t have to choose to be statutory civil “U.S.\*\* citizens[\*\*+D]” because it is voluntary! Voluntary citizenship and voluntary political rights are the very heart and soul of what it means to live in a free country and have liberty! We can’t be citizens by compulsion or by presumption, and must do so by choice. We can simply be “free inhabitants” under the Articles of Confederation instead of statutory

<sup>109</sup> See 26 C.F.R. §1.1-1(a)(2)(ii) and 26 C.F.R. §1.1441-1(c)(3) for confirmation of the fact that the only “individuals” who are “subject” to the Internal Revenue Code are aliens. The only exception is found in 26 U.S.C. §911(d), in which STATUTORY “citizens of the United States\*\*” under 8 U.S.C. §1101(a)(22)(A) or 8 U.S.C. §1401 who are abroad in a foreign country TEMPORARILY but not domiciled there can also be a statutory “individual”.



“citizens” if that status affords us the most protection for our God-given rights and liberties. The reason why citizenship MUST be voluntary is because of what we find in the Declaration of Independence, which states:

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

The key word here is “consent”. If you don’t want to be a “U.S. citizen” or accept the so-called “benefits” or “privileges and immunities” of a highly litigious and corrupt and greedy socialist democracy, or submit yourself to its corrupt laws that are clearly in conflict with God’s sovereign laws, then you don’t have to! Consent can’t be compelled and if it is, then the exercise of government power in such a case is no longer “just” as Thomas Jefferson says here, and represents “injustice”.

*“An agreement obtained by duress, coercion, or intimidation is invalid, since the party coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to execute the agreement as the state of mind induced.”<sup>110</sup> Duress, like fraud, rarely becomes material, except where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress renders the contract or conveyance voidable, not void, at the option of the person coerced,<sup>111</sup> and it is susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to avoid it.<sup>112</sup> However, duress in the form of physical compulsion, in which a party is caused to appear to assent when he has no intention of doing so, is generally deemed to render the resulting purported contract void.”<sup>113</sup>”*  
[American Jurisprudence 2d, Duress, §21 (1999)]

Please remember that the purpose of our court system is to effect justice, not injustice, so the courts can’t enforce that which isn’t consensual. The only exception to this rule is if a person does something that infringes on the equal rights or liberties of a bona fide, flesh and blood third party. Nonpayment of “income taxes” (which are in reality donations) does not accomplish this because the state/government isn’t a natural or real person, but an artificial legal entity that actually is a corporation. The problem is, even if your choice or consent was procured by force or fraud or trickery on the part of the government or its treacherous lawyers, as it is in most cases, the judges in our corrupt federal courts are so eager to get their hands in your pocket that they won’t give you the benefit of the doubt as their very own precedents and rulings clearly establish. Here is what the U.S. Supreme Court held about this subject:

*“Keeping in mind the well-settled rule that the citizen is exempt from taxation unless the same is imposed by clear and unequivocal language, and that where the construction of a tax law is doubtful, the doubt is to be resolved in favor of those upon whom the tax is sought to be laid.”*  
[Spreckels Sugar Refining Co. v. McClain, 192 U.S. 397 (1904)]

*“Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.”*  
[Brady v. United States, 397 U.S. 742, 90 S.Ct. 1463 (1970)]

Powerful stuff, folks! By the way, there are LOTS of similar quotes like the first quote above that use the word “taxpayer” instead of “citizen”, but we positively refuse to use them because the word “taxpayer” is a due process trap and a government scam. Based on the above, if most judges really were “honorable” (which is why we are supposed to call them “your honor” but also why they seldom merit that name), they would presume we are “non-resident nationals of the United States\*\*\* of AMERICA” rather than the STATUTORY “United States\*\*” unless and until **THE GOVERNMENT** meets the burden of proof that we chose to become privileged statutory “U.S. citizens” by an informed and deliberate choice and consent rather

<sup>110</sup> Brown v. Pierce, 74 U.S. 205, 7 Wall. 205, 19 L.Ed. 134

<sup>111</sup> Barnette v. Wells Fargo Nevada Nat’l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va. 215, 2 S.E.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

<sup>112</sup> Faske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicum, 142 Or. 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

<sup>113</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 than by presumption and by fraud because of our own legal ignorance when filling out government forms. The foundation  
2 of this is that in our system of justice, we are “innocent until proven guilty”. In the commercial world, a contract becomes  
3 valid only when there is:

- 4 1. An offer: government offers to make us STATUTORY CIVIL “U.S.[\*\*] citizens[\*\*+D]”
- 5 2. Acceptance: we accept their offer voluntarily and without duress. Being deceived constitutes duress insofar as the actions  
6 of our government are concerned.
- 7 3. Consideration: receipt of the privileges and immunities of STATUTORY “U.S. citizen” status in our case or income tax  
8 on the part of the government
- 9 4. Mutual assent by both parties: informed choice and a full understanding of the rights that are being surrendered or waived  
10 in the process of procuring the perceived benefit.

11 The fourth element above is missing from the “citizenship contract” we signed when we submitted our government application  
12 for voter registration, passport, or social security benefits, and therefore the “citizenship contract” cannot and should not be  
13 legally enforced by our dishonorable courts, but it is anyway in a massive conspiracy to deprive us of rights under 18 U.S.C.  
14 §241 and in violation of the spirit and intent of the “social contract” called U.S. Constitution and that of the framers who  
15 wrote it. The goal of this document is to ensure that your consent from this day forward is fully informed so that the  
16 government can no longer use your own ignorance as a weapon against you to STEAL your property. After you have read  
17 this document, if you continue to remain a STATUTORY CIVIL “U.S.[\*\*] citizen[\*\*+D]”, then you will have no one to  
18 blame but yourself for your inaction at eliminating that status and regaining your God-given rights. The choice to do  
19 NOTHING is a choice to remain a slave. As Sherry Peel Jackson, an X IRS Examination agent very powerfully said at the  
20 We The People Truth In Taxation Hearings on February 28, 2002 (<http://www.bostonteaparty2.com>):

21 “You can remain an informed slave, or you can leave the plantation entirely!”

22 So the question is, why on earth would anyone want to “volunteer” to be a citizen\*\*+D of either their state or federal  
23 government and thereby volunteer to be subject to the legislative jurisdiction of our corrupt and covetous government? What  
24 if you don’t want government “protection” as the Supreme Court describes above and want to fend for yourself or better yet  
25 have God protect you? Remember that a compelled benefit is not a benefit, but slavery disguised as government  
26 benevolence! If the government abuses its power by threatening anyone who doesn’t want protection [from harassment by  
27 IRS computers in the collection of taxes when they aren’t paid, for instance] and thereby forces you to accept protection and  
28 to pay taxes for that protection, then government becomes nothing more than a mafia protection racket under such  
29 circumstances, who charges you for protection from its own bad deeds! This kind of arrangement is no different than  
30 Racketeer Influenced Corrupt Organizations (RICO), which is a serious crime under 18 U.S.C. §225. I certainly don’t choose  
31 to “volunteer” to be a citizen of my federal government under such compelled circumstances and you shouldn’t either.

32 We should never forget that God in the Bible clearly states that we should not be citizens of any state or government, because  
33 in doing so we surrender our sovereignty and the protection of God, and trade our God-given rights for taxable government  
34 “privileges” and protection, thereby becoming slaves!:

35 “Protection draws subjection.”  
36 [Steven Miller]

37 “Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the  
38 yoke of bondage [to the government or the income tax].”  
39 [[Galatians 5:1](#), Bible, NKJV]

40 “For our citizenship is in heaven, from which we also eagerly wait for the Savior, the Lord Jesus Christ”  
41 [[Philippians 3:20](#)]

42 “Now, therefore, you are no longer strangers and foreigners, but fellow citizens with the saints and members of  
43 the household of God.”  
44 [[Ephesians 2:19](#), Bible, NKJV]

45 “These all died in faith, not having received the promises, but having seen them afar off were assured of them,  
46 embraced them and confessed that they were strangers and pilgrims on the earth.”  
47 [[Hebrews 11:13](#)]

48 “Beloved, I beg you as sojourners and pilgrims, abstain from fleshly lusts which war against the soul...”  
49 [Peter 2:1]

## 19.5 Presumptions about “citizen of the United States” status

The courts often “presume” you to be a statutory political citizen[\*] under 8 U.S.C. § 1401, without even telling you that there are different classes of citizens. It is up to you to dispute this.

*“Unless the defendant can prove he is not a citizen of the United States, the IRS has the right to inquire and determine a tax liability.”*  
[U.S. v. Slater, 545 Fed.Supp. 179,182 (1982)]

The legal encyclopedia, American Jurisprudence 2<sup>nd</sup> Edition, further helps explain the nature of the above presumption as shown below:

*“As a general rule, it is presumed, until the contrary is shown, that every person is a citizen of the country [nation, meaning “national”] in which he or she resides.<sup>114</sup> Furthermore, once granted, citizenship is presumably retained unless voluntarily relinquished,<sup>115</sup> and the burden rests upon one alleging a change of citizenship and allegiance to establish that fact. Consequently, a person born in the United States is presumed to continue to be a citizen until the contrary is shown, and where it appears that a person was once a citizen of a particular foreign country, even though residing in another, the presumption is that he or she still remains a citizen of such foreign country, until the contrary appears.”*  
[3C American Jurisprudence 2d, Aliens and Citizens, §204 Presumptions concerning citizenship (1999)]

The above quote is obviously written so that it could very easily mislead those who do not understand the separation of powers doctrine or the nature of federal jurisdiction. As we said earlier in section 1, the “United States\*” is not a “nation”, but a “federation” of independent states. Within the context of The Law of Nations, Vattel (see Vattel), the federal zone in combination with the 50 states are collectively considered a “country”, but not a nation. Politicians and judges do frequently refer to the federal government as the “national government” to deliberately mislead people, but you would be mistaken to conclude that we are a “nation” in the legal sense.<sup>116</sup> When the above cite says we are “presumed” to be a “citizen[\*]” of the “country in which he or she resides”, what they are saying is that we are to be presumed to be a “national” but not necessarily a statutory civil “citizen[\*\*+D]” under the laws of that country. The U.S.\* is a country but not a nation, while both the U.S.\*\* and the U.S.\*\*\* are both a county and a nation. Therefore, if you are residing within the US\*\* you are presumed to be a national of the U.S.\*\* and if you are residing in the U.S.\*\*\* you are presumed to be a national of the U.S.\*\*\*. The word “citizen” used independently of the name of a geographic region, simply implies “national”. This confusion over definitions was not our doing, but a creation of the politicians and the courts to keep you confused and enslaved to their corrupt jurisdiction.

As we covered earlier in Resignation of Compelled Social Security Trustee, Form #06.002, having a Social Security Number (SSN) also creates a rebuttable presumption that you are a “U.S. citizen”, according to the Internal Revenue Code:

[26 C.F.R. §301.6109-1\(g\)](#)

(g) *Special rules for taxpayer identifying numbers issued to foreign persons—*

(1) *General rule—*

(i) *Social security number. A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.*

The reason you can rebut this presumption is that the Social Security Administration Program Operations Manual says that both “U.S. citizens” and “U.S. nationals” can participate in the Social Security program, and because foreigners can acquire a Socialist Security Number as well using an SS-5 form.

<sup>114</sup> Shelton v. Tiffin, 47 U.S. 163, 6 How. 163, 12 L.Ed. 387 (1848).

<sup>115</sup> Afroyim v. Rusk, 387 U.S. 253, 87 S.Ct. 1660, 18 L.Ed.2d. 757 (1967).

<sup>116</sup> See Chisholm v. Georgia, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1793)

To rebut the presumption that you are a statutory “U.S.[\*\*] citizen[\*]” under 8 U.S.C. §1401, simply present your SS-5 form reflecting your correct status as a “national”, along with your birth certificate. You can also show them a copy of any of the following documents, which we show you how to prepare so as to reflect your correct citizenship status in section 2.5.3.13 of the *Sovereignty Forms and Instructions Manual*, Form #10.005:

1. Voter registration
2. Passport application
3. Government security clearance application
4. Jury summons

Using the above evidence to rebut incorrect presumptions about your citizenship status can be useful when you are filing tax returns and when you are litigating in court and you want the judge to respect your choice of citizenship status.

**WARNING!:** If you have a Socialist Security Number and you don’t rebut the presumption that you are a statutory “U.S. citizen” with evidence in a court proceeding, then the state and federal courts will automatically presume that you are without even telling you that they are! This can have disastrous results!

## 19.6 Privileges and Immunities of U.S. citizens

Statutory political “U.S.[\*\*] citizens[\*]” under 8 U.S.C. §1401 do not have natural rights (constitutional civil rights) granted by God but instead have statutory civil rights created and granted by Congress so long as they remain on territory not proected by the constitution. The rights that most people believe they have are not natural rights but civil rights which are actually franchise privileges granted by Congress to only statutory civil “citizens[\*\*+D] of the United States[\*\*]”. Some of these statutory civil rights parallel the protection of the Bill of Rights (the first 10 Amendments to the Constitution), but by researching the Civil Rights Act along with case law decisions involving those rights, it can be shown that these so-called civil rights do not include the Ninth or Tenth Amendments and have only limited application with regard to Amendments One through Eight.

If you accept any benefit from the federal government or you claim any statutory civil right, you are making an "adhesion contract" with the federal government. You may not be aware of any adhesion contracts but the courts are. The other aspect of such a contract is that you will obey every statute that Congress passes. For example, if you want to be in receipt of the “privilege” of becoming a commissioned officer in the U.S. military, [10 U.S.C. §532\(a\)\(1\)](#) requires that you must be a statutory civil “citizen[\*\*+D] of the United States[\*\*]”. That same statute in paragraph (3) requires that officers must be “of good moral character”. Does *supreme ignorance* fit the description of “good moral character”? No one other than either an idiot or a liar would claim to be a statutory “citizen of the United States\*\*\*” if they were born in a Union state outside of the federal zone and domiciled there, based on the content of this section. Does that meet the definition of “good moral character?” We think not! We must also conclude that there are an awful lot of officers in the U.S. military who don’t belong there, because the vast majority of them no doubt had to be born inside the Union states instead of inside the federal zone. Wouldn’t this make a GREAT subject for a lawsuit: getting most of the officers in the military kicked out of the military because they are not, in fact, civil “U.S.[\*\*] citizens[\*\*+D]”? Can you see just how insidious this “privilege-induced slavery” is that our government uses to trap us into their corrupt jurisdiction? The most distressing part is that it’s all based on fraud and *lies*, and the government in this case loves being lied to and won’t question the lies, because willfully acquiescing to lies is the *only* way they can *manufacture* “taxpayers” and idiots they can govern and have jurisdiction over!

Privileged “U.S. citizens” under 8 U.S.C. §1401 are presumed to be operating in the jurisdiction of private commercial law because that is the jurisdiction of their creator -- Congress. This is evidenced by the existence of various contracts and the use of negotiable instruments. All are products of international law or commercial law [Uniform Commercial Code]. Under Common Law your intent is important; in a court of equity and contract (commercial law) the only thing that matters is that you live up to the letter of the contract. Because you have adhesion contracts with Congress, you cannot use the Constitution or Bill of Rights as a defense because it is irrelevant to the contract. As stated previously, the contract says you will obey every Act of Congress. A federal civil “U.S.[\*\*] citizen[\*\*+D]” under 8 U.S.C. §1401 does *not* have access to Common Law. If you doubt this, appoint a counsel of your choice and under contract who is *not* licensed by the socialist state to practice law to represent you in court. Go in front of the federal court and when they ask for his state bar number, tell them the counsel isn’t licensed and doesn’t need to be licensed. If they try to dismiss your counsel for not being licensed, cite Article 1, Section 10 of the Constitution says

*U.S. Constitution, Article 1, Section 10*



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

3     By removing your counsel, they have effected a Bill of Attainder by penalizing you without a law or even a trial related to  
4     attorney licensing for exercising your right to contract. They have in effect created a Title of Nobility for all those who are  
5     licensed to practice law in the state. They have also penalized you in effect for exercising your right of free speech in the  
6     process of removing the person you chose to be your spokesperson, who is then prevented from representing you. They have  
7     done this in furtherance of the private lawyer's labor union called the American Bar Association (A.B.A.).

8     Section 1 of the Fourteenth Amendment says that "citizens of the United States", which we will show later are actually  
9     "nationals" or "nationals of the United States\*\*\*\*" under 8 U.S.C. §1101(a)(21), have special "privileges and immunities"  
10    above and beyond those of purely state Citizens, but what exactly are they? The annotated Fourteenth Amendment answers  
11    this question. Below is an excerpt from the annotated Fourteenth Amendment on the "privileges and immunities" of U.S.  
12    citizens:

13                   SECTION 1. RIGHTS GUARANTEED: PRIVILEGES AND IMMUNITIES

14                   *Unique among constitutional provisions, the privileges and immunities clause of the Fourteenth Amendment*  
15                   *enjoys the distinction of having been rendered a "practical nullity" by a single decision of the Supreme Court*  
16                   *issued within five years after its ratification. In the Slaughter-House Cases, 15 a bare majority of the Court*  
17                   *frustrated the aims of the most aggressive sponsors of this clause, to whom was attributed an intention to*  
18                   *centralize "in the hands of the Federal Government large powers hitherto exercised by the States" with a view to*  
19                   *enabling business to develop unimpeded by state interference. This expansive alteration of the federal system was*  
20                   *to have been achieved by converting the rights of the citizens of each State as of the date of the adoption of the*  
21                   *Fourteenth Amendment into privileges and immunities of United States citizenship and thereafter perpetuating*  
22                   *this newly defined status quo through judicial condemnation of any state law challenged as "abridging" any one*  
23                   *of the latter privileges. To have fostered such intentions, the Court declared, would have been "to transfer the*  
24                   *security and protection of all the civil rights . . . to the Federal Government, . . . to bring within the power of*  
25                   *Congress the entire domain of civil rights heretofore belonging exclusively to the States," and to "constitute this*  
26                   *court a perpetual censor upon all legislation of the States, on the civil rights of their own citizens, with authority*  
27                   *to nullify such as it did not approve as consistent with those rights, as they existed at the time of the adoption of*  
28                   *this amendment. . . [The effect of] so great a departure from the structure and spirit of our institutions . . . is to*  
29                   *fetter and degrade the State governments by subjecting them to the control of Congress, in the exercise of powers*  
30                   *heretofore universally conceded to them of the most ordinary and fundamental character. . . . We are convinced*  
31                   *that no such results were intended by the Congress . . . , nor by the legislatures . . . which ratified" this amendment,*  
32                   *and that the sole "pervading purpose" of this and the other War Amendments was "the freedom of the slave race."*

33                   *Conformably to these conclusions, the Court advised the New Orleans butchers that the Louisiana statute,*  
34                   *conferring on a single corporation a monopoly of the business of slaughtering cattle, abrogated no rights*  
35                   *possessed by them as United States citizens; insofar as that law interfered with their claimed privilege of pursuing*  
36                   *the lawful calling of butchering animals, the privilege thus terminated was merely one of "those which belonged*  
37                   *to the citizens of the States as such." Privileges and immunities of state citizenship had been "left to the state*  
38                   *governments for security and protection" and had not been placed by this clause "under the special care of the*  
39                   *Federal Government." The only privileges which the Fourteenth Amendment protected against state*  
40                   *encroachment were declared to be those "which owe their existence to the Federal Government, its National*  
41                   *character, its Constitution, or its laws." 16 These privileges, however, had been available to United States citizens*  
42                   *and protected from state interference by operation of federal supremacy even prior to the adoption of the*  
43                   *Fourteenth Amendment. The Slaughter-House Cases, therefore, reduced the privileges and immunities clause to*  
44                   *a superfluous reiteration of a prohibition already operative against the states.*

45                   *Although the Court has expressed a reluctance to attempt a definitive enumeration of those privileges and*  
46                   *immunities of United States citizens which are protected against state encroachment, it nevertheless felt obliged*  
47                   *in the Slaughter-House Cases "to suggest some which owe their existence to the Federal Government, its National*  
48                   *character, its Constitution, or its laws." 17 Among those which it then identified were the right of access to the*  
49                   *seat of Government and to the seaports, subtreasuries, land officers, and courts of justice in the several States,*  
50                   *the right to demand protection of the Federal Government on the high seas or abroad, the right of assembly, the*  
51                   *privilege of habeas corpus, the right to use the navigable waters of the United States, and rights secured by treaty.*  
52                   *In Twining v. New Jersey, 18 the Court recognized "among the rights and privileges" of national citizenship the*  
53                   *right to pass freely from State to State, 19 the right to petition Congress for a redress of grievances, 20 the right*  
54                   *to vote for national officers, 21 the right to enter public lands, 22 the right to be protected against violence while*  
55                   *in the lawful custody of a United States marshal, 23 and the right to inform the United States authorities of*  
56                   *violation of its laws. 24 Earlier, in a decision not mentioned in Twining, the Court had also acknowledged that*  
57                   *the carrying on of interstate commerce is "a right which every citizen of the United States is entitled to exercise."*  
58                    25

59                   *In modern times, the Court has continued the minor role accorded to the clause, only occasionally manifesting a*  
60                   *disposition to enlarge the restraint which it imposes upon state action. Colgate v. Harvey, 26 which was overruled*



five years later, [27](#) represented the first attempt by the Court since adoption of the Fourteenth Amendment to convert the privileges and immunities clause into a source of protection of other than those "interests growing out of the relationship between the citizen and the national government." Here, the Court declared that the right of a citizen resident in one State to contract in another, to transact any lawful business, or to make a loan of money, in any State other than that in which the citizen resides was a privilege of national citizenship which was abridged by a state income tax law excluding from taxable income interest received on money loaned within the State. In *Hague v. CIO*, [28](#) two and perhaps three justices thought that freedom to use municipal streets and parks for the dissemination of information concerning provisions of a federal statute and to assemble peacefully therein for discussion of the advantages and opportunities offered by such act was a privilege and immunity of a United States citizen, and in *Edwards v. California* [29](#) four Justices were prepared to rely on the clause. [30](#) In *Oyama v. California*, [31](#) in a single sentence the Court agreed with the contention of a native-born youth that a state Alien Land Law, applied to work a forfeiture of property purchased in his name with funds advanced by his parent, a Japanese alien ineligible for citizenship and precluded from owning land, deprived him "of his privileges as an American citizen." The right to acquire and retain property had previously not been set forth in any of the enumerations as one of the privileges protected against state abridgment, although a federal statute enacted prior to the proposal and ratification of the Fourteenth Amendment did confer on all citizens the same rights to purchase and hold real property as white citizens enjoyed. [32](#)

[Extracted from Findlaw website at: <http://caselaw.lp.findlaw.com/data/constitution/amendment14/02.html> - 1]

It is important to realize that the status of "citizen of the United States" under Section 1 of the Fourteenth Amendment makes state citizenship "derivative and dependent" upon federal citizenship.

"Thus, the dual character of our citizenship is made plainly apparent. That is to say, **a citizen of the United States is ipso facto and at the same time a citizen of the state in which he resides. And while the Fourteenth Amendment does not create a national citizenship, it has the effect of making that citizenship 'paramount and dominant' instead of 'derivative and dependent' upon state citizenship.** [3](#) 'In reviewing the subject,' Chief Justice White said, in the *Selective Draft Law Cases*, [245 U.S. 366, 377](#), 388 S., 389, 38 S.Ct. 159, 165, L.R.A. 1918C, 361, Ann.Cas. 1918B, 856: 'We have hitherto considered it as it has been argued from the point of view of the Constitution as it stood prior to the adoption of the Fourteenth Amendment. But to avoid all misapprehension we briefly direct attention to that (the fourteenth) amendment for the purpose of pointing out, as has been frequently done in the past, how completely it broadened the national scope of the government under the Constitution by causing citizenship of the United States to be paramount and dominant instead of being subordinate [[296 U.S. 404, 428](#)] and derivative, and therefore operating as it does upon all the powers conferred by the Constitution leaves no possible support for the contentions made if their want of merit was otherwise not to clearly made manifest.' "

[*Colgate v. Harvey*, 296 U.S. 404 (1935)]

Five years later, in *Madden v. Commonwealth of Kentucky*, 309 U.S. 83 (1940), the Supreme Court contradicted itself by overruling *Colgate v. Harvey* in its majority opinion, but the above does help you to understand how the courts think about statutory "nationals". The court also ruled in *Madden* that the main goal of the Fourteenth Amendment was to protect Negro slaves in their freedom, and was therefore not intended to apply to the rest of the predominantly white population.

"This Court declared in the *Slaughter-House Cases* [15](#) that the Fourteenth Amendment as well as the Thirteenth and Fifteenth were adopted to protect the negroes in their freedom. This almost contemporaneous interpretation extended the benefits of the privileges and immunities clause to other rights which are inherent in national citizenship but denied it to those which spring from [[309 U.S. 83, 92](#)] state citizenship."

[*Madden v. Commonwealth of Kentucky*, 309 U.S. 83 (1940)]

## 19.7 Definitions of federal citizenship terms

We'd like to clarify one more very important point about the meaning of the term "citizen[\*] of the United States[\*\*]" based on the definition of "naturalization" offered earlier. Because "naturalization" is defined statutorily in [8 U.S.C. §1101\(a\)\(23\)](#) as the process of conferring "**nationality**" rather than "federal U.S. citizen" status, then some people believe that the "citizen[\*] of the United States[\*\*\*]" that section 1 of the Fourteenth is referring to must actually be that of a "national" rather than an 8 U.S.C. §1401 political "U.S.\*\* citizen[\*]". We agree wholeheartedly with this conclusion, and you will learn many additional reasons why this is the case.

There is additional evidence found earlier in section 1 which corroborates the view that a "citizen of the United States" mentioned repeatedly by the Supreme Court is actually a "national" as defined in 8 U.S.C. §1101(a)(21). In that section, we quoted the Black's Law Dictionary Fourth Edition definition of "National Government" as well as the Supreme Court case of *Chisholm v. Georgia*, 2 Dall. (U.S.) 419, 1 L.Ed. 440 (1793) to conclusively show that the "United States" is not a "nation", but a "federation" of sovereign states. Now if the "United States" is defined as a "federation" and not a "nation", then what

exactly does it mean to say that a person is a “national”? What “nation” are they a “citizen” of under such a circumstance if it isn’t the “United States”? Well, 8 U.S.C. §1101(a)(21) answers this question authoritatively:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
[Sec. 1101. - Definitions](#)

(a)(21) The term “national” means a person owing permanent allegiance to a state.

It’s important to realize that federal statutes and most “Acts of Congress” are simply municipal legislation that only have force and effect over the federal zone in most cases. The term “state” in the context of federal statutes, since it is not capitalized, means a foreign state, which can either be a foreign country or a state of the Union. So it is therefore reasonable to conclude that a “national” can only mean a person born in a state of the Union or a foreign country to parents who were also “nationals” and who owes allegiance to the federation of states called the “United States”.

If you were born in a state of the Union, you are a “national” but not a civil “citizen\*\*[\*\*+D]” under 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452, and this is so because of section 1 of the Fourteenth Amendment and state law, and not because of any federal statute. The courts of your state, in fact, have the authority under the Law of Nations to declare your “citizen of the United States” status under the Fourteenth Amendment based on your birth certificate. Remember always that Congress wears two hats:

1. The equivalent of a state government over the federal zone.
2. An independent contractor for the states of the union that handles external affairs for the entire country only.

The laws that Congress writes pertain to one of these two political jurisdictions, and it is often difficult to tell which of these two that a specific federal law applies to. The only thing that federal civil statutes pertain to in most cases are statutory civil “U.S.[\*\*] citizens[\*\*+D]” or “nationals and citizens[\*] of the United States[\*\*]” as defined under 8 U.S.C. §1401, which are people who are born anywhere in the country but domiciled on federal property that is within the federal zone, because Congress is the municipal “city hall” for the federal zone. The “States” they legislate for in this capacity are federal “States”, which are in fact territories and possessions of the United States such as Guam and Puerto Rico. Federal statutes and the U.S. Codes do not and cannot address what happens to people who are born in a state of the Union because Congress has no police power or legislative jurisdiction over states of the Union for the vast majority of subject matters. All legislation and statutes of the states, including the power of taxation of internal commerce, are “plenary” and exclusive within their own respective territorial jurisdictions. Therefore, don’t go looking for a federal statute that confers citizenship upon you as someone who was born in a state of the Union, because there isn’t one! No government is authorized to write legislation that operates outside its territory, which is called “extraterritorial legislation”.

*“The Constitution of the United States [before the Fourteenth Amendment] does not declare who are and who are not its citizens, nor does it attempt to describe the constituent elements of citizenship; it leaves that quality where it found it, resting upon the fact of home birth and upon the laws of the several states.”*  
[8 U.S.C. §1401, Notes]

A “citizen[\*\*]” in the context of Title 8 is someone who is either born or naturalized in federal territory within the federal “United States[\*\*]” (federal zone). A “national”, however, is someone who was born anywhere within the country called the “United States”. A civil “citizen[\*\*+D]” in state civil statutes and regulations usually refers to someone who is a state citizen\*\*+D, and not necessarily a federal citizen. These points are very important to remember as you read through this book.

So how do we conclusively relate what a “citizen[\*] of the United States[\*\*\*]” is under the Fourteenth Amendment to a specific citizenship status found in federal statutes? We have to look at Title 8, Aliens and Nationality and compare the terms they use to describe each and reach our own conclusions, because the government gives us absolutely no help doing this. Does it surprise you that the Master doesn’t want to educate the slaves how to take off their chains by eliminating their captivity to “words of art”? Title 8 of the U.S. Code does not even define “U.S. citizen” and only defines the term “nationals and citizens[\*] of the United States[\*\*]” in 8 U.S.C. §1401 or “nationals but not citizens[\*] of the United States[\*\*] at birth” in 8 U.S.C. §1408. Upon trying to resolve the distinctions between these two terms and how they relate to the term “citizen[\*] of the United States[\*\*\*]” used in section 1 of the Fourteenth Amendment, we searched diligently for authorities and found no authority or cite in federal statutes that makes the term “nationals and citizens[\*] of the United States[\*\*]” used in 8 U.S.C. §1401 equivalent to the term “citizen of the United States” used in section 1 of the Fourteenth Amendment or the term “citizen” used in the 26 C.F.R. §1.1-1.

1 Both the IRC in Subtitle A of Title 26 and Title 8 of the U.S.C. use equivalent definitions for “United States” (see 26 U.S.C.  
2 §7701(a)(9) and (a)(10), 8 U.S.C. §1101(a)(38), and 8 C.F.R. §215.1(f)), and all three mean the federal zone only. The  
3 “citizen” appearing in 26 C.F.R. §1.1-1, is a federal “U.S. citizen” only, which is defined in 26 C.F.R. §31.3121(e)-1 as a  
4 person born in Puerto Rico, Virgin Islands, Guam, or American Samoa, which are all territories or possessions of the United  
5 States. The “citizens and nationals of the United States” appearing in the 8 U.S.C. §1401 are the same federal “U.S.\*\*  
6 citizens” as that appearing in Title 26 and are equivalent. If you are a “national” or “state national” born in a state of the  
7 Union, you should never admit to being a statutory “U.S.[\*\*] citizen[\*]” or a “citizen[\*] of the United States[\*\*]” under  
8 federal statutes or the Internal Revenue Code because people born in states of the Union are the equivalent of a “National”  
9 under federal statutes or “citizens of the United States” under the Fourteenth Amendment.

10 We believe the confusion the government has created by mixing up the meanings of “citizenship” and “nationality” in federal  
11 statutes and cases construing them is deliberate, and is meant to help induce ignorant Americans everywhere into falsely  
12 claiming they are “U.S. citizens” on their tax returns and voter registration, which is defined as an entirely different type of  
13 citizenship under Title 26 than the one referred to in either the Fourteenth Amendment as “citizens of the United States” or  
14 the cases construing it that we mention in this section. We will now summarize our findings and research in graphical form  
15 to make the definitions and distinctions we have just made crystal clear:  
16

1 **Table 31: Summary of findings on meaning of citizenship**

<i>Term</i>	<i>U.S. Supreme Court</i>	<i>Title 8: Aliens and Nationality</i>	<i>Title 26: Internal Revenue Code</i>
“national of the United States**”	Common law “national of the United States*” described in Perkins v. Elg, 307 U.S. 325 (1939)	Not defined. 8 U.S.C. §1101(a)(22) is a “national of the United States*”, not a “national of the United States**”	Not defined in Title 26 but is equivalent to: 1. “nonresident alien” as defined in 26 U.S.C. §7701(b)(1)(B) for those engaged in a public office. 2. “non-resident non-person” for those not engaged in a public office and therefore private.
“national of the United States***”	Not defined	Defined in 8 U.S.C. §1101(a)(22).	Not defined in Title 26 but is equivalent to: 1. “nonresident alien” as defined in 26 U.S.C. §7701(b)(1)(B) for those engaged in a public office. 2. “non-resident non-person” for those not engaged in a public office and therefore private.
“non-citizen national of the United States** at birth”	No defined	8 U.S.C. §1408	Not defined in Title 26 but is equivalent to “nonresident alien” as defined in 26 U.S.C. §7701(b)(1)(B).
“national”	Not defined	Defined in 8 U.S.C. §1101(a)(22) and 8 U.S.C. §1101(a)(21).	Not defined in Title 26 but is equivalent to “nonresident alien” as defined in 26 U.S.C. §7701(b)(1)(B).
“citizen”	Not explicitly defined by the Supreme Court.	Not defined in Title 8.	Defined in 26 C.F.R. §1.1-1(c).
“citizen of the United States***”	Means a “national” under 8 U.S.C. §1101(a)(21) but <i>not</i> a statutory “U.S. citizen” in the Internal Revenue Code, which is defined in 26 U.S.C. §3121(e) See: 1. Slaughter-House Cases, 83 U.S. 36 (1873) 2. U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)	Not defined separately in Title 8. 8 U.S.C. §1401 defines “nationals and citizens of the United States** at birth” but this type of citizen is a <i>federal zone</i> citizen <i>ONLY</i> . This is because federal statutes only apply to federal territory. This is NOT the same as a “citizen of the United States” defined by the Supreme Court.	Not defined in Title 26.
“nationals and citizens of the United States at birth”	Not explicitly defined by the Supreme Court.	Defined in 8 U.S.C. §1401. NOT the same as Section 1 of Fourteenth Amendment.	Not defined in Title 26.

2 Based on the above, there is no legal basis to conclude that a “citizen of the United States\*\*” under the tax code at 26 C.F.R.  
3 §31.3121(e)-1 and a “citizen of the United States\*\*\*” as used by the Supreme Court or the Fourteenth Amendment, are  
4 equivalent because nowhere in the law are they made equivalent, and each depends on a *different* definition of “United  
5 States”. However, if you read through court cases on citizenship, you will find that the federal courts like to create a false  
6 “presumption” that they are equivalent in order to help expand federal jurisdiction. If you want to understand the meanings  
7 of the terms provided above, you will therefore have to read through all of the authorities cited above and convince yourself  
8 of the validity of the table.

9 If you look closely at 26 C.F.R. §1.1-1(c) where income taxes are “imposed”, you will find that it does *not* use or define “U.S.  
10 citizen” but does refer to “citizens[\*\*+D]”. Remember that under 26 U.S.C. §7806(b), the title of a section or subsection in  
11 the Internal Revenue Code has no legal significance. Since that regulation implements 26 U.S.C. §1, which imposes the tax  
12 on “individuals”, one can “presume” but not conclusively prove that the regulation is describing what a “U.S. citizen” is  
13 under 8 U.S.C. §1401. Keep in mind, however, that the term “citizen” refers to the *federal* United States\*\* in the Internal  
14 Revenue Code because of the definition it depends on in [26 U.S.C. §7701](#)(a)(9) and (a)(10). Nowhere in Titles 8 or 26,  
15 however, are the terms “U.S. citizen” and “citizen of the United States” ever correlated or identified as being equivalent, but  
16 we must conclude that they are the same because the definition of “United States” found in 26 U.S.C. §7701(a)(9) and 8  
17 U.S.C. §1101(a)(38) are equivalent and include only the District of Columbia and the territories and possessions of the United  
18 States.

## 19 19.8 Expatriation

20 “*Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.*” Perkins v. Elg,  
21 1939, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320. In order to be relieved of the duties of allegiance, consent of  
22 the sovereign is required. Mackenzie v. Hare, 1915, [239 U.S. 299](#), 36 S.Ct. 106, 60 L.Ed. 297. Congress has  
23 provided that the right of expatriation is a natural and inherent right of all people, and has further made a  
24 legislative declaration as to what acts shall amount to an exercise of such right.”

### 19.8.1 Definition

Expatriation is the process of eliminating one's nationality [e.g. "U.S. National"] but not necessarily one's "U.S. citizen" status under federal statutes. You would never learn this by reading any legal dictionary we could find, because the government simply doesn't want you to know this! Here is the definition from the most popular legal dictionary:

"expatriation. The voluntary act of abandoning or renouncing one's country, and becoming the citizen or subject of another."  
[Black's Law Dictionary, Sixth Edition, p. 576]

Notice they didn't say a word about "nationality" and "allegiance" in the above definition because the lawyers who wrote this don't want their "tax slaves" to know how to escape the federal plantation! The chains that bind the slaves to the plantation are deceitful "words of art" found in the laws and doctrines of the Pharisees that keep people from learning the truth. The Bible warned us this would happen and we shouldn't be surprised:

Then Jesus said to them, "Take heed and beware of the leaven [teachings, laws, doctrine, and publications] of the Pharisees [lawyers] and the Sadducees." ...How is it you do not understand that I did not speak to you concerning bread?—but to beware of the leaven of the Pharisees and the Sadducees." Then they understood that He did not tell them to beware of the leaven of bread, but of the doctrine [legal dictionaries, laws, and teachings] of the Pharisees and Sadducees.  
[Matt. 16:6,11,12; Bible, NKJV]

The supreme court has also said that certain actions other than explicit formal expatriation may result in the equivalent of expatriation:

"It has long been recognized that citizenship may not only be voluntarily renounced through exercise of the right of expatriation, but also by other actions in derogation of undivided allegiance to this country. While the essential qualities of the citizen-state relationship under our Constitution preclude the exercise of governmental power to divest United States citizenship, the establishment of that relationship did not impair the principle that conduct of a citizen showing a voluntary transfer of allegiance is an abandonment of citizenship. Nearly all sovereignties recognize that acquisition of foreign nationality ordinarily shows a renunciation of citizenship. Nor is this the only act by which the citizen may show a voluntary abandonment of his citizenship. Any action by which he manifests allegiance to a foreign state may be so inconsistent with the retention of citizenship as to result in loss of that status. In recognizing the consequence of such action, the Government is not taking away United States citizenship to implement its general regulatory powers, for, as previously indicated, in my judgment, citizenship is immune from divestment under these [356 U.S. 69] powers. Rather, the Government is simply giving formal recognition to the inevitable consequence of the citizen's own voluntary surrender of his citizenship."  
[Perez v. Brownell, 356 U.S. 44 (1958)]

### 19.8.2 Right of expatriation

The courts have ruled that expatriation is a natural right essential to the protection of one's liberty:

"Almost a century ago, Congress declared that "the right of expatriation [including expatriation from the District of Columbia or "U.S. Inc", the corporation] is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness," and decreed that "any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government." 15 Stat. 223-224 (1868), R.S. §1999, 8 U.S.C. § 800 (1940).<sup>117</sup> Although designed to apply especially to the rights of immigrants to shed their foreign nationalities, that Act of Congress "is also broad enough to cover, and does cover, the corresponding natural and inherent right of American citizens to expatriate themselves." Savorgnan v. United States, 1950, 338 U.S. 491, 498 note 11, 70 S.Ct. 292, 296, 94 L.Ed. 287.<sup>118</sup> The Supreme Court has held that the Citizenship Act of 1907 and the Nationality Act of 1940 "are to be read in the light of the declaration of policy favoring freedom of expatriation which stands unrepealed." Id., 338 U.S. at pages 498-499, 70 S.Ct. at page 296. That same light, I think, illuminates 22 U.S.C.A. § 211a and 8 U.S.C.A. § 1185."  
[Walter Briebl v. John Foster Dulles, 248 F.2d. 561, 583 (1957)]

<sup>117</sup> See Carrington, Political Questions: The Judicial Check on the Executive, 42 Va.L.Rev. 175 (1956).

<sup>118</sup> 9 Pet. 692, 34 U.S. 692, 699, 9 L.Ed. 276.



1 Your citizenship/nationality status is voluntary according to the supreme Court<sup>119</sup>, which means that any type of citizenship  
2 or nationality status you may have may be voluntarily abandoned or renounced by you at any time without the permission of  
3 anyone in the government, as long as you follow the prescribed procedures in place if there are any. The U.S. supreme Court  
4 has also said that the citizenship “contract” is a one way contract. Once the government makes this contract with you, they  
5 cannot renege on it and take away your citizenship or nationality because otherwise they could use this ability to politically  
6 persecute you and exile you, as so many other countries do throughout the world to their dissenters. Only you can therefore  
7 initiate the process of losing your privileged “U.S. citizenship” status as a voluntary act not under compulsion.

8 *“In our country the people are sovereign and the Government cannot sever its relationship to the people by*  
9 *taking away their citizenship. Our Constitution governs us and we must never forget that our Constitution limits*  
10 *the Government to those powers specifically granted or those that are necessary and proper to carry out the*  
11 *specifically granted ones. The Constitution, of course, grants Congress no express power to strip people of their*  
12 *citizenship, whether in the exercise of the implied power to regulate foreign affairs or in the exercise of any*  
13 *specifically granted power.*

14 [...]

15 *“The entire legislative history of the 1868 Act makes it abundantly clear that there was a strong feeling in the*  
16 *Congress that the only way the citizenship it conferred could be lost was by the voluntary renunciation or*  
17 *abandonment by the citizen himself. And this was the unequivocal statement of the Court in the case of United*  
18 *States v. Wong Kim Ark.”*  
19 *[Afroyim v. Rusk, 387 U.S. 253, 87 S.Ct. 1660 (1967)]*

### 20 **19.8.3 Compelled Expatriation as a punishment for a crime**

21 Likewise, the supreme Court of the United States has also ruled that the government may not pass a penal law for which the  
22 punishment is the forfeiture of U.S. citizenship:

23 *“Citizenship is not a license that expires upon misbehavior. The duties of citizenship are numerous, and the*  
24 *discharge of many of these obligations is essential to the security and well-being of the Nation. The citizen who*  
25 *fails to pay his taxes or to abide by the laws safeguarding the integrity of elections deals a dangerous blow to*  
26 *his country. But could a citizen be deprived of his nationality for evading these basic responsibilities of*  
27 *citizenship? In time of war the citizen's duties include not only the military defense of the Nation but also full*  
28 *participation in the manifold activities of the civilian ranks. Failure to perform any of these obligations may cause*  
29 *the Nation serious injury, and, in appropriate circumstances, the punishing power is available to deal with*  
30 *derelictions of duty. But citizenship is not lost every time a duty of citizenship is shirked. And the deprivation*  
31 *of citizenship [356 U.S. 86, 93] is not a weapon that the Government may use to express its displeasure at a*  
32 *citizen's conduct, however reprehensible that conduct may be. As long as a person does not voluntarily*  
33 *renounce or abandon his citizenship, and this petitioner has done neither, I believe his fundamental right of*  
34 *citizenship is secure. On this ground alone the judgment in this case should be reversed.*

35 [...]

36 *“We believe, as did Chief Judge Clark in the court below, 33 that use of denationalization as a punishment is*  
37 *barred by the Eighth Amendment. There may be involved no physical mistreatment, no primitive torture. There*  
38 *is instead the total destruction of the individual's status in organized society. It is a form of punishment more*  
39 *primitive than torture, for it destroys for the individual the political existence that was centuries in the*  
40 *development. The punishment strips the citizen of his status in the national and international political community.*  
41 *His very existence is at the sufferance of the country in which he happens to find himself. While any one country*  
42 *may accord him some rights, and presumably as long as he remained in this country he would enjoy the limited*  
43 *rights of an alien, no country need do so because he is stateless. Furthermore, his enjoyment of even the limited*  
44 *rights of an alien might be subject to termination [356 U.S. 86, 102] at any time by reason of deportation. 34*  
45 *In short, the expatriate has lost the right to have rights.*

46 *“This punishment is offensive to cardinal principles for which the Constitution stands. It subjects the individual*  
47 *to a fate of ever-increasing fear and distress. He knows not what discriminations may be established against him,*  
48 *what proscriptions may be directed against him, and when and for what cause his existence in his native land*  
49 *may be terminated. He may be subject to banishment, a fate universally decried by civilized people. He is stateless,*  
50 *a condition deplored in the international community of democracies. 35 It is no answer to suggest that all the*  
51 *disastrous consequences of this fate may not be brought to bear on a stateless person. The threat makes the*  
52 *punishment obnoxious. 36*

<sup>119</sup> See United States v. Cruikshank, 92 U.S. 542 (1875)

1 ***"The civilized nations of the world are in virtual unanimity that statelessness is not to be imposed as***  
2 ***punishment for crime.*** It is true that several countries prescribe expatriation in the event that their nationals  
3 *engage in conduct in derogation of native allegiance. [37](#) Even statutes of this sort are generally applicable*  
4 *primarily [356 U.S. 86, 103] to naturalized citizens. But use of denationalization as punishment for crime is an*  
5 *entirely different matter. The United Nations' survey of the nationality laws of 84 nations of the world reveals*  
6 *that only two countries, the Philippines and Turkey, impose denationalization as a penalty for desertion. [38](#) In*  
7 *this country the Eighth Amendment forbids this to be done.*

8 *"In concluding as we do that the Eighth Amendment forbids Congress to punish by taking away citizenship, we*  
9 *are mindful of the gravity of the issue inevitably raised whenever the constitutionality of an Act of the National*  
10 *Legislature is challenged. No member of the Court believes that in this case the statute before us can be construed*  
11 *to avoid the issue of constitutionality. That issue confronts us, and the task of resolving it is inescapably ours.*  
12 *This task requires the exercise of judgment, not the reliance upon personal preferences. Courts must not consider*  
13 *the wisdom of statutes but neither can they sanction as being merely unwise that which the Constitution forbids.*  
14 *"*

15 *[Trop v. Dulles, 358 U.S. 86 (1958)]*

#### 16 **19.8.4 Amending your citizenship status to regain your rights: Don't expatriate!**

17 Because all "U.S.[\*\*] citizens[\*]" are also "nationals" under 8 U.S.C. §1401 (see the beginning of that section, which says  
18 *"The following shall be nationals and citizens of the United States at birth."*), then if you are a privileged statutory "U.S.[\*\*]  
19 citizen[\*]" under 8 U.S.C. §1401, you actually have two aspects of your citizenship that you can renounce or surrender  
20 voluntarily. [Title 8, Chapter 12, Subchapter III, Part III](#) define the rules for expatriating your nationality, but conspicuously  
21 say nothing about how to eliminating only one's privileged "U.S. citizen" status without removing your "national" status.  
22 Knowing what we know now about our covetous politicians and how they try to use your privileged political "U.S.[\*\*]  
23 citizen[\*]" status as a justification to have jurisdiction over you and control and tax you, does it then surprise you that that  
24 the Master won't tell the slaves how to loose their chains? We showed earlier in section 4.7 that the only difference between  
25 a "citizen" and a "national" is one's "domicile". We also showed in [Why Domicile and Becoming a "Taxpayer" Require](#)  
26 [Your Consent](#), Form #05.002 that domicile is voluntary. Therefore, the primary vehicle by which one can change their status  
27 from that of a "citizen" to a "national but not a citizen" is to voluntarily change one's legal domicile.

28 You will find that there is a lot of confusion in the freedom community over the distinctions between "U.S. citizen" and  
29 "national" and "state national" status, and the government likes to add as much to this confusion as they can so they can keep  
30 you from gaining your freedom. It is quite common for "promoters" to try to tell you that you should renounce your  
31 nationality to become a "state citizen" to regain your sovereignty and stop paying income taxes and they will try to sell you  
32 an "expatriation" package for upwards of \$2,500 that will eliminate your nationality. However, you don't always need to  
33 eliminate your "national" status in order to not be a federal "U.S. citizen" under federal statutes and this point is so very  
34 important that we repeat it in several places in this book. For example, Eddie Kahn used to try to sell people an expatriation  
35 package for \$495 that he said would eliminate their nationality, but you don't want to do this if you work for the government  
36 or the military and hold a security clearance. Doing this can be disastrous because you can't hold a federal security clearance  
37 without being either a "U.S. citizen" or a "national"! If you are an officer in the U.S. military, you also must forfeit your  
38 commission (10 U.S.C. §532(a)(1)) and your retirement benefits (see Chapter 6 of DOD 7000.14-R, Volume 7B, "Military  
39 Pay Policy and Procedures for Retired Pay." Chapter 6 is "Foreign Citizenship after Retirement.") if you renounce your "U.S.  
40 citizen" status! Because some people confuse "U.S. citizen" status with "national" status, they therefore get themselves in a  
41 heap of trouble. Another way they get themselves in trouble is [26 U.S.C. §877](#) establishes a penalty for "Expatriation to  
42 avoid tax", and remember that expatriation, in that context means loss of nationality and not loss of "U.S. citizen" status.  
43 The government can't penalize you for surrendering your "U.S. citizen" status under this section but they definitely try to  
44 penalize you for losing your nationality! Watch out because you don't want to make more trouble for yourself!

45 If you want to have your liberties back, the only way you will get them back is to abandon or renounce your privileged federal  
46 "U.S. citizen" status under 8 U.S.C. §1401 to become a "national but not a citizen" under 8 U.S.C. §1101(a)(21). As we just  
47 said earlier, this process is effected mainly by changing your legal domicile. It should come as no surprise that the federal  
48 government will give you absolutely no help and no law or administrative procedure that tells you how to do this because  
49 they don't quite frankly want you doing it! They want everyone to be tax slaves and subject citizens living on the federal  
50 plantation, and they are NOT going to help the slaves leave the federal plantation voluntarily. Here are some of the potent  
51 roadblocks they have put in your way to prevent you from regaining your freedom and returning to your de jure state as a  
52 "national but not a citizen" under federal law:

1. They have invented a new word for “domicile” called “residence”, which may only be used to describe “aliens” and not nationals, and encouraged the misuse of the word to prejudice the rights of citizens. See section 1.6.5 earlier and Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.
2. They have disguised the fact that you are choosing a “domicile” on government forms, by giving it a new name called “permanent address”, “permanent residence”, etc. instead of simply “domicile”.
3. They have used the “word of art” called “United States” on government forms without defining its true meaning, which means the federal zone. Thus, they have encouraged false presumption about the use of the word that ultimately makes you into a privileged alien “resident” domiciled in the federal zone.
4. They have defined the word “domicile” in the legal dictionary to remove the requirement of “consent” and replace it with “intent”. This is not consistent with the purpose behind why the word domicile was established to begin with, which was to give people a choice and require their consent in choosing the legal system under which they want to be protected. See Why Domicile and Becoming a “Taxpayer” Require Your Consent, Form #05.002.
5. They have created misleading change of address forms and voter registrations to send to the DMV, tax authorities, etc. that use the word “residence” instead of “domicile” and not defined the meaning of the word on their forms, knowing full well that they were making the applicant into privileged aliens in the process. See: <http://famguardian.org/TaxFreedom/Forms/Emancipation/ChangeOfAddressAttachment.htm>.
6. They have refused to directly define the term “resident” in any IRS publication, because they don’t want people to know that only aliens with a domicile in the District of Columbia can be “residents” under the Internal Revenue Code. See section 1.6.5 earlier for details.
7. They have tried to intimidate, harass, and confuse people who send citizenship amendment paperwork to the attorney general or who try to get their passport updated. Some people who have sent their passport to the Department of State to get the “U.S. National” endorsement added to page 24 have had their passport held hostage for months and been the recipients of threatening and harassing correspondence from the Department of State that contains frivolous arguments that don’t address the issues in the amendment request letter.
8. Those who write the Dept. of State and talk with Sharon Palmer-Royston (202-261-8314), the legal affairs supervisor there, about their passport are basically lied to and she refuses to address any of the issues appearing in:

Tax Deposition Questions, Form #03.016, Section 14, Family Guardian Fellowship  
<http://famguardian.org/TaxFreedom/Forms/Discovery/Deposition/Section%2014.htm>

The only reason the federal government might think you are a statutory political “U.S.[\*\*] citizen[\*]” under 8 U.S.C. §1401, to begin with, is because of forms you filled out incorrectly over your lifetime and the incorrect “presumptions” that they produce which bias your rights. These presumptions in most cases are documented in the paperwork they maintain about you, such as passport applications, voter registrations, driver’s license applications, and tax returns, etc. You are and always have been a “national” or a “state national”. The only thing you have ever needed to do to maintain that status is change the government’s paperwork which you submitted in most cases, to properly reflect that fact. Whether you change or amend government records from a statutory “U.S. citizen” under 8 U.S.C. §1401 to being either a “U.S. national” under 8 U.S.C. §1408 or a “national” under 8 U.S.C. §1101(a)(21) depends on your needs and is up to you. A detailed procedure appears in section 2.5.3.13 of the Sovereignty Forms and Instructions Manual, Form #10.005 for eliminating your “U.S. citizen” status but not your “national” status. If you want to expatriate your “nationality” instead of removing your domicile from the federal zone to abandon your CIVIL “U.S.[\*\*] citizen[\*\*+D]” status, the procedure is the same but the document is slightly different. It was difficult to develop this procedure because as we just pointed out, the government gives you absolutely no help, no administrative procedure, no regulations, and no laws that tell you how to do this for obvious reasons. There is a sample document that corrects government records documenting your true citizenship status by removing presumptions that you are a privileged “U.S. citizen” under 8 U.S.C. §1401 below:

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

We don’t provide forms or procedures for expatriating your “nationality” or “national” status under 8 U.S.C. §1101(a)(22) (for possessions) or the Fourteenth Amendment (for constitutional states) because we have never had an occasion to do it and we don’t recommend it to anyone anyway.

**WARNING!:** Citizenship status is NOT the primary factor in determining your tax liability. Instead, the following factors primarily determine one's tax liability under Subtitle A of the Internal Revenue Code:

1. Your domicile. See section 5.4.19 entitled "Why all income taxes are based on domicile and are voluntary because domicile is voluntary."
2. The taxable activity you engage in. See sections 5.6.13 through 5.6.13.11.

Changing one's citizenship status DOES NOT result in eliminating an existing liability for 1040 income taxes under Subtitle A of the Internal Revenue Code. We have never made any claim otherwise in any of our materials. The only affect that correcting government records describing one's citizenship can have is:

1. Restoring one's sovereignty. Under the Foreign Sovereign Immunities Act (F.S.I.A.), [28 U.S.C. §1603](#)(b) and under [28 U.S.C. §1332](#)(c) and (d), a legal person *cannot* be classified as an agency or instrumentality of a foreign state if they are a citizen of a [federal] state of the United States, meaning a person born in a federal territory, possession, or the District of Columbia as defined in [4 U.S.C. §110](#)(d). This conclusion is also confirmed on the Department of State website at: [http://travel.state.gov/law/info/judicial/judicial\\_693.html](http://travel.state.gov/law/info/judicial/judicial_693.html)
2. Removing oneself from some aspect of federal legislative jurisdiction. A "citizen" under federal law, is defined as a person subject to federal jurisdiction. This is covered in *Great IRS Hoax*, section 4.11.2, for instance.
3. Making sure that a person's domicile cannot be involuntarily moved to the District of Columbia. Both [26 U.S.C. §7701](#)(a)(39) or [26 U.S.C. §7408](#)(d) allow that a person who is a "citizen" or a "resident" under the Internal Revenue Code, should be treated as having a domicile in the District of Columbia for the purposes of federal jurisdiction. Since kidnapping is illegal under 18 U.S.C. §1201, then a person who is not a "citizen or resident" under federal law needs to take extraordinary efforts to ensure that their citizenship is not misunderstood or misconstrued by the federal government by going back and making sure that all federal forms which indicate one's citizenship status are truthful and unambiguous. The process of correcting government forms relating to citizenship is described in section 4.5.3.13 of the *Sovereignty Forms and Instructions Manual*, Form #10.005.

The reason why the last item above is very important is that the term "United States" is defined in [26 U.S.C. §7701](#)(a)(9) and (a)(10) as being limited to the District of Columbia and the term is not enlarged elsewhere under Subtitle A of the Code. If it isn't defined anywhere in the code to include states of the Union, then under the rule of statutory construction, "Expressio unius, exclusio alterius", what is not specifically included may be excluded by implication. Therefore, if a person is either a "citizen" or a "resident" under federal law, then they are treated as domiciliaries of the main place where Subtitle A of the Internal Revenue Code applies, which is the District of Columbia, and become the proper subjects of the code.

When you renounce your privileged "U.S. citizen" status to become a nonprivileged "national", you must keep the following very important considerations in mind:

1. Before you institute the process of correcting government records to eliminate false presumptions of political "U.S.[\*\*] citizen[\*]" status under 8 U.S.C. §1401, you should read and understand this chapter completely, so the government can't pull any fast ones on you during the process.
2. Ensure that you have evidence and documentation you can use in court if you ever need it of every step you take in the renunciation process. You may need it later if you ever end up in court. For instance, everything you send should be notarized with a proof of service and you should keep the original copy and send the copy to the government. Original documents are easier to get admitted into evidence in court than are photocopies, and this will become very important in the future if you ever have to litigate over your citizenship status.
3. Be careful! The government will go fishing for any excuse they can to call you an 8 U.S.C. §1401 political "U.S.[\*\*] citizen[\*]" because that is how they draw you into their jurisdictional spider web and suck your blood dry. You should never admit to ever having been a political "U.S.[\*\*] citizen[\*]" either verbally or in writing, and every piece of paper they show either you or a court claiming or indicating that you are a "U.S. citizen" should be rebutted as being mistaken, fraudulent, and submitted under duress. For instance, if they pull out an old passport application in which you claimed to be a "U.S. CITIZEN", then you should correct them by saying you are a "national" and say that you were mistaken and misinformed at the time. Then show them your renunciation document and your birth certificate clearly showing that you were not born on federal land. If you don't rebut such evidence or offer counter-evidence, then the court and the jury will erroneously assume that you agree with your opponent that you are a "U.S.[\*\*] citizen[\*]", which would be a



disaster. Shift the burden of proving that you are a “U.S.[\*\*] citizen[\*]” to them when you can. Insist that NOTHING be presumed and everything be proven so that your due process rights under the Fifth and Sixth Amendments are respected.

4. You must abandon your 8 U.S.C. §1401 “U.S.[\*\*] citizen[\*]” status completely voluntarily and *without* any kind of duress or compulsion. This means you can’t be doing it for financial reasons, for instance, to avoid taxes because you are in a bind, or the courts will not honor your renunciation. Never admit to being under financial duress in renouncing citizenship, even if you indeed are.
5. You should *never* tell the government you are renouncing your “nationality” in order to avoid paying taxes, because then they may try to incorrectly apply [26 U.S.C. §877](#) in order to try penalize you by forcing you to pay taxes for a ten year period after you renounce your “U.S. citizenship”.
6. You aren’t obligated to explain to anyone why you renounced your citizenship but if you get backed into a corner by an itinerant judge, for instance, into telling people why you did it, you should always say that you did it in order to protect and preserve your liberties by making yourself a nonprivileged person. Remind them that you can’t be a sovereign individual if you are receiving government privileges and that personal sovereignty is your goal.
7. You should emphasize to every government representative during the renunciation process that you are *not* eliminating your “national” status or your allegiance to the “United States”, but your “U.S.[\*\*] citizen[\*]” status
8. Don’t let any government agent try to talk you out of the renunciation process or try to confuse you by saying that they don’t have any procedures to do it so it must *not* be authorized. They will try to do this because they don’t want you doing it or because, more often, they are just plain ignorant of the law, which is why they are government slaves to begin with. Of course it is authorized because the courts said you could do it in our cite above from *Briehl* and they even said *why* you can do it: to protect your liberties. Remember that you can’t have liberty or live in a free country if citizenship status isn’t voluntary, and just tell them you don’t want to volunteer to be a “U.S. citizen” and want to only be a “national”, and because all “U.S. citizens” are also “nationals”, they can’t take away your national status and you don’t want to lose that.
9. Because the extortionists in the federal government don’t want to give you your freedom, they are likely to resist correcting your citizenship status to that of a “national” but not statutory citizen. Because of this, they are likely to drag their feet, conveniently lose your correspondence, and delay providing you your “Certificate of U.S.\*\* non-Citizen National Status” under [8 U.S.C. §1452](#). You may therefore need to use a third party notary to help you and serve them with a Notice of Default with a Proof of Service after the time period for responding to your [8 U.S.C. §1452](#) request has expired.
10. We recommend using our citizenship abandonment/amendment procedure found in section 4.5.3.13 of the *Sovereignty Forms and Instructions Manual*, Form #10.005 to ensure that you accomplish all the necessary steps properly.
11. We don’t have a paralegal we can recommend to help you with your citizenship amendment process as documented in this book. You will just have to be resourceful and locate your own. Please don’t call us to ask about this either because we not only won’t help you, but we will ask you why you didn’t follow our directions.

## 19.9 Further Study

If you want to know who the Social Security Administration thinks is a “U.S. citizen”, refer to the link below, which is a section from the SSA’s Program Operation Manual System (POMS). Note that all the references in the POMS manual we are about to cite below use the term “State” and “United States” as meaning *federal* States and the *federal* United States\*\* only. The link below from POMS is entitled “Who is a U.S. citizen”:

<http://policy.ssa.gov/poms.nsf/lnx/0200303120-A>

Another useful link in the SSA’s POMS manual is the section entitled “Developing Evidence of U.S. citizenship”:

<http://policy.ssa.gov/poms.nsf/lnx/0300204015>

And finally, another useful section from the POMS manual on the SSA website is entitled “GN 00303.300 Establishing U.S. Citizenship for All SSA Programs” at:

<http://policy.ssa.gov/poms.nsf/36f3b2ee954f0075852568c100630558/9dfd4c7264a3070f85256a4e004e2c7d?OpenDocument>

In conclusion, we need not be afraid because we are not legally obligated to be federal statutory citizens or “U.S.\*\* citizens” and can choose to be a constitutional “citizen of the United States\*\*\*” (or natural born Sovereign). State Citizens are also



called “non-residents” in federal statutes. Our right of choosing our statutory federal citizenship is absolute and cannot be abridged. One can become a “national of the United States\*\*\*” (a state only citizen) without being a statutory “citizen of the United States\*\*” (a federal statutory citizen). That is why we repeatedly advise expatriating from federal United States\*\* citizenship in section 2.5.3.13 of the Sovereignty Forms and Instructions Manual, Form #10.005.

**WARNING:** The feds apparently are so sure that you will be angry and violent after finding out the devious scam they played with “U.S. citizenship” that they made it illegal to be a gun dealer if you were once a U.S. citizen and renounced your statutory “U.S. citizen” status under 8 U.S.C. §1401 to become a “national” under 8 U.S.C. §1101(a)(21)! Take a look at [18 U.S.C. §922\(g\)\(7\)](#) to see for yourself at:

<https://www.law.cornell.edu/uscode/text/18/922>

Note that because Constitutional rights only apply in the sovereign 50 Union states, this statute can only apply inside the federal zone.

## **20. REBUTTED FALSE ARGUMENTS OF THOSE WHO DISAGREE WITH THIS PAMPHLET**

A few people have disagreed with our position on the ‘national’ and “state national” citizenship status of persons born in states of the Union. These people have sent us what at first glance might “appear” to be contradictory information from websites maintained by the federal government. We thank them for taking the time to do so and we will devote this section to rebutting all of their incorrect views.

### **20.1 Legal Profession contradictions**

Larry Becraft, a famous patriot attorney, sent out the following email to his many followers relating to citizenship which we would like to respond to that at first might appear to contradict this pamphlet but in fact does not:

*Time: Mon, 27 May 2013 10:42:19 -0500*

*From: [Lowell Becraft <becraft@hiwaay.net>](mailto:Lowell.Becraft@hiwaay.net)*

*Subject: The erroneous "national" argument*

*I know that the argument about "national" is circulating around, but it is wrong. To address this error, I posted the following at the Truth Attack website:*

[http://www.truth-attack.com/jml/index.php/law-library/jurisdiction\\*](http://www.truth-attack.com/jml/index.php/law-library/jurisdiction*)

#### **"NATIONALS"**

*In Piqua Bank v. Knoup, 6 Ohio.St. 342, 393 (Ohio 1856), that court defined a national government and contrasted it with a federal government:*

*"A national government is a government of the people of a single state or nation, united as a community by what is termed the 'social compact,' and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government. A federal government is distinguished from a national government by its being the government of a community of independent and sovereign states, united by compact."*

*Black's Law Dictionary quotes this case in its definition of national government. The Government of the United States is a federal government.*

*But while many may understand this difference between national and federal government, even fewer understand, in reference to human beings, who is a "national" of the United States. This short memo constitutes an introduction to this topic.*

*In the late 1800s, the United States was beginning to assert power over islands not contiguous to this country. Then, Hawaii was conquered and made a territory. With time, the same thing happened with the Virgin Islands,*

the Philippines, Puerto Rico, Swain's Island, Guam, the Northern Marianas, and similar places. Congress began referring to citizens of those islands as persons owing a duty of allegiance to the United States or obedience to its laws; see 28 Stat. 64 (<http://www.truth-attack.com/jml/images/stats/28Stat64.pdf>); 32 Stat. 694 (<http://www.truth-attack.com/jml/images/stats/32Stat694.pdf>).

Eventually in the first few decades of the 20th century, a name for these people was developed: a national. Examples of this name for these persons can be easily seen from a variety of pages appearing in the U.S. Statutes At Large:

28 Stat. 53 <http://www.truth-attack.com/jml/images/stats/28Stat53.pdf> ;  
36 Stat. 328 <http://www.truth-attack.com/jml/images/stats/36Stat328.pdf>;  
37 Stat. 499 <http://www.truth-attack.com/jml/images/stats/37Stat499.pdf>;  
38 Stat. 692 <http://www.truth-attack.com/jml/images/stats/38Stat692.pdf>;  
38 Stat. 818 <http://www.truth-attack.com/jml/images/stats/38Stat818.pdf>;  
42 Stat. 106 <http://www.truth-attack.com/jml/images/stats/42Stat106.pdf>;  
47 Stat. 142 <http://www.truth-attack.com/jml/images/stats/47Stat142.pdf>;  
48 Stat. 454 <http://www.truth-attack.com/jml/images/stats/48Stat454.pdf>;  
48 Stat. 456 <http://www.truth-attack.com/jml/images/stats/48Stat456.pdf>;  
54 Stat. 4 <http://www.truth-attack.com/jml/images/stats/54Stat4.pdf>;  
57 Stat. 308 <http://www.truth-attack.com/jml/images/stats/57Stat308.pdf>;  
58 Stat. 101 <http://www.truth-attack.com/jml/images/stats/58Stat101.pdf>;  
87 Stat. 397 <http://www.truth-attack.com/jml/images/stats/87Stat397.pdf>;  
87 Stat. 635 <http://www.truth-attack.com/jml/images/stats/87Stat635.pdf>;  
88 Stat. 1444 <http://www.truth-attack.com/jml/images/stats/88Stat1444.pdf>;  
88 Stat. 2064 <http://www.truth-attack.com/jml/images/stats/88Stat2064.pdf>;  
89 Stat. 543 <http://www.truth-attack.com/jml/images/stats/89Stat543.pdf>;  
90 Stat. 269 <http://www.truth-attack.com/jml/images/stats/90Stat269.pdf>;  
90 Stat. 1268 <http://www.truth-attack.com/jml/images/stats/90Stat1268.pdf>;  
91 Stat. 1212 <http://www.truth-attack.com/jml/images/stats/91Stat1212.pdf>;  
91 Stat. 1214 <http://www.truth-attack.com/jml/images/stats/91Stat1214.pdf>;  
92 Stat. 72 <http://www.truth-attack.com/jml/images/stats/92Stat72.pdf>;  
92 Stat. 1949 <http://www.truth-attack.com/jml/images/stats/92Stat1949.pdf>;  
96 Stat. 2483 <http://www.truth-attack.com/jml/images/stats/96Stat2483.pdf>;  
97 Stat. 661 <http://www.truth-attack.com/jml/images/stats/97Stat661.pdf>;  
98 Stat. 2302 <http://www.truth-attack.com/jml/images/stats/98Stat2302.pdf>;  
99 Stat. 624 <http://www.truth-attack.com/jml/images/stats/99Stat624.pdf>;  
100 Stat. 1480 <http://www.truth-attack.com/jml/images/stats/100Stat1480.pdf>;  
116 Stat. 2874 <http://www.truth-attack.com/jml/images/stats/116Stat2874.pdf>;  
117 Stat. 2801 <http://www.truth-attack.com/jml/images/stats/117Stat2801.pdf>;  
117 Stat. 2802 <http://www.truth-attack.com/jml/images/stats/117Stat2802.pdf>;  
120 Stat. 80 <http://www.truth-attack.com/jml/images/stats/120Stat80.pdf>;  
121 Stat. 1743 <http://www.truth-attack.com/jml/images/stats/121Stat1743.pdf>;  
123 Stat. 53 <http://www.truth-attack.com/jml/images/stats/123Stat53.pdf>;

Inherently, "national" means a citizen of the insular possessions. One definition of this word appears in 24 C.F.R. §5.504 [http://edocket.access.gpo.gov/cfr\\_2010/apr/qtr/pdf/24cfr5.504.pdf](http://edocket.access.gpo.gov/cfr_2010/apr/qtr/pdf/24cfr5.504.pdf); which states: "National means a person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession." In § 871-24.60 (96) of the Iowa Administrative Code,

"A national is defined as a person who lives in mandates or trust territories administered by the United States and owes permanent allegiance to the United States. An alien is a person owing allegiance to another country or government."

In Washington Administrative Code § 388-424-0001, this word is defined as

"a person who owes permanent allegiance to the U.S. and may enter and work in the U.S. without restriction. The following are the only persons classified as U.S. nationals:

- (1) Persons born in American Samoa or Swain's Island after December 24, 1952; and
- (2) Residents of the Northern Mariana Islands who did not elect to become U.S. citizens."

Often, Congress uses in legislation the phrase "citizen or national of the United States". When this word appears in this context without definition, it means a citizen of the insular possessions. But just as often when a federal law encompasses a citizen or national, that act may provide a specific definition. Such act may define a U.S. Person, or Citizen, as being a "citizen or national", and in this event, the defined word encompasses a citizen or national.

It is important for students of the law to "data-mine" the U.S. Statutes At Large, which are posted here <http://www.truth-attack.com/jml/index.php/law-library/primary-sources-of-law>.

Our position on the above statement by Mr. Becraft is this:

1. He doesn't seem to properly recognize the TWO contexts for citizenship: STATUTORY/CIVIL and CONSTITUTIONAL. These contexts are mutually exclusive and non-overlapping. He only refers to STATUTORY civil context, which in the case of the national government is federal territory only and excludes states of the Union.
2. Becraft doesn't even discuss the statutory definition of "national" found in 8 U.S.C. § 1101(a)(21), and if he did, he would have to conclude that the term can in fact describe ANYONE in the WORLD! Everything beyond the point of that omission operates upon a false premise.

8 U.S.C. §1101: Definitions

(a)(21) The term "national" means a person owing permanent allegiance to a state.

People born in states of the Union and domiciled there are simply "nationals", which are defined in 8 U.S.C. §1101(a)(21) and "nationals of the United States\*" under the common law as described in Perkins v. Elg, 307 U.S. 325 (1939). A "national" is legally defined as anyone having allegiance to a "state", which "state" is a state of the Union and a legislatively but not constitutionally "foreign state" because it is in lower case. "state" may also refer to the state formed by the Union of states under the United States Constitution.

3. Even the penalty of perjury statement at the end of the USA Passport Application, Department of State Form DS-11 recognizes that ALL applicants for American Passports MUST be either "citizens of the United States" or "non-citizen[\*] nationals of the United States[\*\*]". Chances are that Becraft himself applied for and retains such a passport and yet he contradicts his own testimony under penalty of perjury on the Department of State Form DS-11 by claiming that he is NOT a "national". Note that the statutory definition of POLITICAL "citizen" found in 8 U.S.C. §1401 ALSO includes "national" status, so either way Becraft is claiming to be a "national" by even applying for and accepting a USA passport!:

DO NOT SIGN APPLICATION UNTIL REQUESTED TO DO SO BY PERSON ADMINISTERING OATH.	
I declare under penalty of perjury all of the following: 1) I am a citizen or non-citizen national of the United States and have not, since acquiring U.S. citizenship or nationality, performed any of the acts listed under "Acts or Conditions" on the reverse side of this application (unless explanatory statement is attached); 2) the statements made on the application are true and correct; 3) I have not knowingly and willfully made false statements or included false documents in support of this application; 4) the photograph submitted with this application is a genuine, current, photograph of me; and 5) I have read and understood the warning on page two of the instructions to the application form.	
<input checked="" type="checkbox"/> <b>Applicant's Signature - age 16 and older</b>	<b>Identifying Documents - Applicant or Father (if identifying minor)</b> <input type="checkbox"/> Driver's License <input type="checkbox"/> Passport <input type="checkbox"/> Military <input type="checkbox"/> Other _____ Issue Date _____ Expiration Date _____ Place of Issue _____ Name _____ ID No. _____
<input checked="" type="checkbox"/> <b>Father's/Legal Guardian's Signature (if identifying minor)</b>	<b>Identifying Documents - Mother (if identifying minor)</b> <input type="checkbox"/> Driver's License <input type="checkbox"/> Passport <input type="checkbox"/> Military <input type="checkbox"/> Other _____ Issue Date _____ Expiration Date _____ Place of Issue _____ Name _____ ID No. _____
<input checked="" type="checkbox"/> <b>Mother's/Legal Guardian's Signature (if identifying minor)</b>	

Becraft has only two choices in responding to this supreme contradiction that HE creates in the mind of readers:

- 3.1. Admit that he committed perjury on his passport application by calling himself a statutory "national" or "citizen" of the United States. This could land him in jail for up to TEN years per 18 U.S.C. §1542. OR
- 3.2. Admit that the terms on the Department of State Form DS-11:
  - 3.2.1. Are POLITICAL/CONSTITUTIONAL and not STATUTORY in nature, in which case the STATUTORY or REGULATORY definitions do not apply. STATUTORY/regulatory definitions do not apply to the CONSTITUTIONAL context in most cases and are limited to federal territory.
  - 3.2.2. Are being MISREPRESENTED by him as ALSO applying to the STATUTORY context. The STATUTORY and CONSTITUTIONAL contexts are mutually exclusive because of the separation of powers doctrine.

Which is it, Mr. Becraft? We allege that the "citizen of the United States" in the above Department of State Form DS-11 is a POLITICAL/CONSTITUTIONAL term and NOT a STATUTORY term, but that it is being FRAUDULENTLY treated as EQUIVALENT to the STATUTORY context by a corrupted government to usurp jurisdiction they in fact do not have. How do YOU explain this away, Mr. Becraft? Or is it above one's pride to admit that they might be incorrect on this issue or worst yet, don't know enough to talk intelligently about it?

4. Becraft doesn't understand the interaction of domicile with one's STATUTORY civil status. We discussed that interaction ad nauseam earlier in section 14 et seq. You cannot have a civil status under the civil laws of a specific jurisdiction WITHOUT a domicile within that jurisdiction. This fact is recognized in Federal Rule of Civil Procedure 17(b). Hence, people domiciled outside of federal territory cannot have ANY civil status under federal law over which Congress has any civil jurisdiction, because they are in a legislatively but not constitutionally "foreign" jurisdiction.

Only through the operation of the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97 and the Longarm Statutes of a specific state can such a civil status be acquired, and it must be CONSENSUALLY acquired through the operation of PURPOSEFUL AVAILMENT.

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

This subject is further discussed ad nauseam at:

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

5. We agree with Becraft that:

5.1. People domiciled in states of the Union are NOT STATUTORY "nationals of the United States[\*\*] at birth" as defined in 8 U.S.C. §§1408 and 1452 and that these people include only those in American Samoa and Swain's Island. In fact, we regard THIS status as the ONLY status that Becraft is referring to when he uses the word "national".

5.2. It is a big mistake to claim the status of STATUTORY "citizen[\*] of the United States[\*\*]" as defined in 8 U.S.C. §1401 or 8 U.S.C. §1101(a)(22)(A).

6. We don't advocate that people using this website claim to have ANY statutory civil status under federal law over which Congress has any civil legislative jurisdiction at all. We tell them that they cannot therefore be statutory "nationals of the United States[\*\*]" or ANYTHING else under federal civil law. Rather, we tell them that they should refer to themselves with any of the following statuses over which Congress enjoys NO legislative authority:

6.1. "American nationals" but not statutory "citizens".

6.2. "state nationals" but not statutory "citizens".

6.3. "nationals of the United States\*\*\* of America" (states of the Union and NOT federal government).

6.4. "nationals of the CONSTITUTIONAL and not STATUTORY "United States\*\*\*\*" (states of the Union and NOT federal government).

The above approach is EXACTLY the same approach that people in even the U.S. government take when describing people from other countries who are visiting here, such as "Mexican nationals".

7. People should NOT be using the word "United States" in describing any aspect of themselves because it invites a confusion of context between the CONSTITUTIONAL and the STATUTORY meanings. This is clarified at:

Developing Evidence of Citizenship and Sovereignty Course, Form #12.002  
<http://sedm.org/Forms/FormIndex.htm>

8. People born in states of the Union and domiciled there are NOT:

8.1. CIVIL "citizens" or "residents", all of whom MUST share a domicile on federal territory in order to have any civil status whatsoever under the Internal Revenue Code, as required by Federal Rule of Civil Procedure 17.

8.2. POLITICAL "nationals of the United States[\*\*] at birth" or "U.S. nationals" pursuant to [8 U.S.C. §1408](#) or 8 U.S.C. §1452.

9. The U.S. Supreme Court has recognized that in a STATUTORY context ONLY, the only remaining "non-citizen nationals" are those in American Samoa and Swain's Island:

*"2. Nationality and citizenship are not entirely synonymous; one can be a national of the United States and yet not a citizen. 8 U.S.C. §1101(a)(22). The distinction has little practical impact today, however, for the only remaining noncitizen nationals are residents of American Samoa and Swains Island. See T. Aleinikoff, D. Martin, & H. Motomura, Immigration: Process and Policy 974-975, n. 2 (3d ed. 1995). The provision that a*

child born abroad out of wedlock to a United States citizen mother gains her nationality has been interpreted to mean that the child gains her citizenship as well; thus, if the mother is not just a United States national, but also a United States citizen, the child is a United States citizen. See 7 Gordon § 93.04[2][b], p. 93-42; id., § 93.04[2][d][viii], p. 93-49."  
[Miller v. Albright, 523 U.S. 420 (1998)]

However:

- 9.1. As we just said, we tell people in states of the Union that the civil statutory context of federal law has no jurisdiction over those domiciled in a state of the Union. Hence, they cannot have ANY civil statutory "status" to which any public rights or obligations can attach. This is direct result of the Separation of Powers Doctrine that forms the heart of the United States Constitution and is recognized in 40 U.S.C. §3112.
- 9.2. The STATUTORY context is not the ONLY context in which the term "national" can be or is used. It can also be used in either a CONSTITUTIONAL context or a COMMON LAW context. In the common law context, people in states of the Union are in fact statutory "nationals" but not statutory "citizens".
10. On occasion, we have referred to people born in states of the Union as "nationals of the United States\*\*\* **OF AMERICA**" and then CAREFULLY clarified the term "United States of America" to exclude any part of the STATUTORY "United States\*" as used in Title 8 of the U.S. Code, to include ONLY states of the Union. However, to avoid this kind of confusion, it is easier just to use the same terminology as that found in [26 U.S.C. §7701\(b\)\(1\)\(B\)](#) and [8 U.S.C. §1101\(a\)\(21\)](#): "national" and to avoid any confusing uses of any of the following suffixes:
  - 10.1. "United States"
  - 10.2. "United States of America"
  - 10.3. "USA"
11. To avoid confusion, it's best:
  - 11.1. To avoid the use of the term "citizen" in describing yourself, because the STATUTORY sense of that word also implies a legal "domicile" within the legislative jurisdiction of the federal government, which is NOT true for persons domiciled in states of the Union.
  - 11.2. To simply refer to yourself as a "\_\_\_\_\_national", where the underline refers to the state of the Union you were born in. This will avoid all association with the federal government.
  - 11.3. When presented with a government form asking if you are a "U.S.[\*] citizen[\*]" should answer NO and then write next to it "Constitutional but not civil statutory 'citizen'". If the recipient of the form won't let you modify the form, then attach a statement redefining the words on the form so that it is consistent with what appears here.

Therefore, we agree mostly with Larry Becraft, but we don't agree that saying one is a national under 8 U.S.C. §1101(a)(21) but not a CIVIL "U.S.[\*] citizen[\*]" under 26 C.F.R. §1.1-1(a) and (b) is a mistake as long as the context is defined as constitutional and common law, and not statutory. He is well intentioned but his view reflects an incomplete understanding and an outright refusal to recognize or even define the CONTEXT for the words he uses. The reason is that he wants to aid and abet the identity theft that is facilitated by the equivocation of geographical terms that he deliberately and deceptively uses. This is typical of most lawyers, as was pointed out and proven in:

Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

Our position found in this memorandum is consistent with most of what he said above. By the way, Richard MacDonald used the same conventions on his website and in his diverse discussions of citizenship as we use and we have never seen Larry Becraft attack Richard's approach:

<http://www.state-citizen.org/>

The above website went offline in 2015, according to [archive.org](#). See: [https://web-beta.archive.org/web/\\*/state-citizen.org](https://web-beta.archive.org/web/*/state-citizen.org).

We thank Larry for caring enough to even address this topic, which is more than most attorneys do. However he only adds to the confusion by not clearly addressing the TWO contexts for legal terms, and which context applies to each and every word he or others use or misuse. It's simply PRESUMPTUOUS, injurious, and WRONG to:

1. Always interpret words people use as meaning the STATUTORY context.
2. Use only statutes to disprove their usage of the terms. This ignores and damages those such as us who use the CONSTITUTIONAL or POLITICAL context and EXCLUDE the STATUTORY context. The common law and the



law of nations creates and implies definitions and contexts for words that are completely foreign and not subject to the statutory definitions because they protect PRIVATE rights that are not and cannot be subject to the statutes.

3. PRESUME, to the great injury of those who are damaged by the presumption, that the STATUTORY and CONSTITUTIONAL context for geographical “words of art” are either equivalent or interchangeable.
4. PRESUME that the term “national” as used in the title of this document or in 8 U.S.C. §1101(a)(21) includes the “national” mentioned in 8 U.S.C. §1408 and 8 U.S.C. §1452. It does NOT.

Any of the above results in criminal identity theft as extensively documented in the following:

Government Identity Theft, Form #05.046  
<http://sedm.org/Forms/FormIndex.htm>

The term “national” as used in 8 U.S.C. §1101(a)(21) is an example of a term that has a political meaning, because it references allegiance to a legislatively FOREIGN state and has NO obligations or “privileges” under national law that attach to the status. By “national” as used in 8 U.S.C. §1101(a)(21), we believe is meant one who has “nationality” within the COUNTRY United States\*. That in fact is why no privileges or rights attach to the status: Because it is a CONSTITUTIONAL right rather than a STATUTORY privilege.

***“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary.”***  
*[Tuaua v. U.S.A, 951 F.Supp.2d. 88 (2013)]*

#### **BECRAFT’S RESPONSE:**

We sent the above to Mr. Becraft. In response, all that Mr. Becraft could do is call us “nasty” and offer supreme court cites that deliberately confuse or cloud CONSTITUTIONAL and STATUTORY contexts to make it appear as though they are equivalent.

*As I often state, lots of people in this movement, especially the gurus, are some of the nastiest people you can ever meet, and now I conclude that this observation includes you.*

*I fully understand that you have a vested interest in continuing to promote the baseless “national” argument, with which I disagree. Now you make demands to which I state that you can take a hike.*

*Let me act like you: I hereby demand the following:*

*1. That you contact every person that you have mislead about this argument and admit that you have been incorrect;*

*2. That you tell each of them that your argument about “foreign” is contrary to decisions of the courts. See attached.*

*I am now deleting all contact information for you.*

*Larry*

He said he wouldn’t talk with us about it and terminated communication, thus abandoning the field of rational argument and admitting that our research was correct pursuant to Federal Rule of Civil Procedure 8(b)(6). You can read the interchange and our response below. You be the judge:

Family Guardian Forum 7.1.4: Citizenship Questions, Confusion, and Disinformation  
<http://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/71-citizenship-domicile-and-nationality/4-citizenship-questions-confusion-and-disinformation/>

Below was our response to his response:

Dear Larry,

1. As most attorneys do, you have added lots of heat and absolutely no light to the most important issue of citizenship. You have presented no facts directly pertinent to a PRIVATE person not subject to federal civil law which derive from the legislatively foreign domicile of such a party as required by Federal Rule of Civil Procedure 17(b). All civil law cited must derive from the domicile of the party, which means no federal statutory civil law can be cited for those with a foreign domicile unless the party proves there was consensual, PURPOSEFUL availment, which you have not proven. See the International Shoe case and the Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97. Citing foreign law against a nonresident with no "purposeful availment" is an abuse of the courts for "political purposes" in violation of the separation of powers.

2. There is no financial vested interest in the position you claim we have a vested interest in. The citizenship information provided to you for rebuttal is and always has been absolutely free. It would have to be offered for sale before there could be or is a financial interest. Hence, the statement that there is a vested interest is absolutely false and fraudulent.

3. The person with a real vested interest is you, who benefits handsomely to the tune of tens of thousands of dollars when people are confused, arguing, and have to litigate expensively to resolve the confusion. There is no financial incentive for attorneys to prevent conflict, and a big DISINCENTIVE to do so. You can't and won't act in a preemptive mode to resolve the confusion and ensuing litigation. The way to do that is to address ALL the issues raised in the Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006 pamphlet. Hence, you perpetuate and protect a very profitable (for you) source of confusion. On this subject, see:

Petition for Admission to Practice

<http://famguardian.org/Subjects/LawAndGovt/LegalEthics/PetForAdmToPractice-USDC.pdf>

4. You falsely accuse us of being a "guru". A guru is someone that people trust or rely on for a specific subject matter. Yet our SEDM Member Agreement, Form #01.001 SPECIFICALLY says that our members and readers are NOT allowed to trust ANY MAN, including us, to interpret the law and will only trust their own reading of the law. See for yourself:

4.1 SEDM Member Agreement, Form #01.001, Section 3

<http://sedm.org/Membership/MemberAgreement.htm>

4.2 Guide to Asking Questions, Form #09.017, Section 1

<http://sedm.org/Membership/GuideToAskingQuestions.htm>

How is it even possible to be a "guru" without some measure of reliance on a "man" that is forbidden by our Member Agreement? What have you been smoking, or don't you even study the people and things you so presumptuously and ignorantly and foolishly criticize.

5. You state that the argument is "baseless" and yet it is supported by the 200 pages of research that neither you nor anyone else in over ten years of peer review has proven is incorrect in any particular. Even the last federal judge and U.S. attorney who received such arguments didn't disagree with them and therefore agreed. We even showed you HOW to prove it incorrect: Answer the questions at the end (section 20) without contradicting yourself, the Rules of Statutory Construction, or the statutes. You can't. The only person with a baseless argument is one without evidence, and you haven't presented the evidence (in the form of answers to questions) needed to supersede or discredit our evidence. How about:

5.1 A list of errata of this document (Form #05.006)?

5.2 Answers to the questions in section 20 that disprove your assertions?

6. You attached a memorandum allegedly proving that the U.S. is NOT "foreign" in relation to the states. Even the Corpus Juris Secundum legal encyclopedia disagrees with you.

<http://famguardian.org/TaxFreedom/CitesByTopic/ForeignState.htm>

You are correct that the United States is not "foreign" in relation to a state domiciled citizen if you mean in a CONSTITUTIONAL sense but incorrect if you mean a STATUTORY sense. That only further proves that you intend to perpetuate the confusion of STATUTORY and CONSTITUTIONAL context that is the source of all unjust, unconstitutional, and CRIMINAL power wielded by the corrupted federal courts. The issue of being LEGISLATIVELY foreign but not CONSTITUTIONALLY foreign is already addressed in:

6.1 Flawed Tax Arguments to Avoid, Form #08.004, Sections 4 and 9.2.2

DIRECT LINK: <http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

6.2 Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006, Sections 2, 3, 4, 19

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

When are you going to rebut the above with answers and equally persuasive arguments rather than childish name calling with the word "nasty"? Your response is the childish response of children:

"I win. I'm plugging my ears and I'm not listening to your answer. Neener, neener, neener. If you want' to talk with me again about this, you will have to bribe me for \$250 per hour in your next planned 'legal emergency' because all I care about is money and not justice or social responsibility."

We would expect much better of such an experienced and informed person. We value your feedback and lots of people will read of your childish response on a public website. Is that the best you can do, my friend?

By disassociating and removing us from your email list, you have abandoned rational debate, gone into default, and admitted that you are misleading people because you can't and won't rebut or defend the above issues with FACTS and therefore admit they are correct per Federal Rule of Civil Procedure 8(b)(6). He who abandons the battlefield of debate by refusing to participate is always the loser.

If there were a good definition for "nasty" in the legal field (a word you used), it would have to be people who maliciously play word games and confusion of context (STATUTORY v. CONSTITUTIONAL) to STEAL jurisdiction they do not have. This turns the public trust into a sham trust and officers of the public trust (such as attorneys) into thieves and deceivers. U.S. Supreme Court Justice Scalia agrees on this subject of what "nasty" means:

<http://www.youtube.com/watch?v=DaoLMW5AF4Y>  
<http://www.c-spanvideo.org/program/307035-1>

The following information and memorandums expose how this CRIMINAL abuse happens, and you know that if you addressed it, you and most judges would be powerless and penniless. Justice Scalia admitted as much in the last video above.

1. Foundations of Freedom Course, Form #12.021, Video 4: Willful Government Deception and Propaganda  
[http://www.youtube.com/watch?v=DvnTL\\_Z5asc](http://www.youtube.com/watch?v=DvnTL_Z5asc)

2. Flawed Tax Arguments to Avoid, Form #08.004, Sections 4 and 9.2.2  
<http://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

3. Legal Deception, Propaganda, and Fraud, Form #05.014  
<http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

4. Rules of Presumption and Statutory Interpretation, Litigation Tool #01.006  
<http://sedm.org/Litigation/LitIndex.htm>

5. Government Identity Theft, Form #05.046  
<http://sedm.org/Litigation/LitIndex.htm>

When we want to talk responsibly with a legal professional such as yourself about this foundation of all the corruption in the legal field to PREVENT harm, they plug their ears because it butters their bread with stolen loot and can't be threatened. Disgusting. Our readers will hear about this abuse.

Finally, if you are going to warn your readers about us, at least have the decency and integrity to give them the benefit of BOTH sides of the argument by providing a link to the following and telling them that you agree with it because you can't prove it wrong:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006, Sections 2, 3, 4, 17.2  
FORMS PAGE: <http://sedm.org/Forms/FormIndex.htm>  
DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

Here are some of the self-serving presumptions that Mr. Becraft is operating under to pad his, the government's, and the judge's pocket, which are provably FALSE, and which have already been disproven elsewhere in this exhaustive memorandum:

1. That there is ONLY one context for legal words: STATUTORY. Hence, he only needs to examine the statutes and can ignore the common law and the constitution on this subject.

2. That a CONSTITUTIONAL and a STATUTORY citizen are equivalent. They are NOT. See section 4.4 earlier.
3. That case law that pertains to a statutory “citizen” such as what he offers in proof is relevant to those not SIMILARLY SITUATED with a foreign domicile such as our members. This violates:
  - 3.1. Choice of law rules.
  - 3.2. Federal Rule of Civil Procedure 17(b).
  - 3.3. Foreign Sovereign Immunities Act (F.S.I.A.), 28 U.S.C. Chapter 97.
  - 3.4. Rules of Decision Act, 28 U.S.C. §1652.
  - 3.5. Stare decision on the subject of domicile.
  - 3.6. The Rules of Statutory Construction and Interpretation.
4. That the geographical “United States” used in the constitution is the same as that used in federal statutory law. They are NOT. See:

*Why the Fourteenth Amendment is Not a Threat to Your Freedom*, Form #08.015  
<http://sedm.org/Forms/FormIndex.htm>

5. That the jurisdiction of a judge is whatever he says it is and that the Federal Rules of Civil Procedure that we cite do NOT constrain any judge’s jurisdiction. Thus, we have a society of men and not law, which is tyranny and anarchy.
6. That it’s OK for federal forms to make the APPLICANT FALSELY PRESUME a POLITICAL/CONSTITUTIONAL status while agencies receiving the form maliciously ENFORCE and PRESUME a STATUTORY or LEGAL status. These two things are mutually exclusive and it can only be ONE or the OTHER. This type of contradiction is what Orwell called “doublethink”. See:
  - 6.1. Sections 14.10 of this pamphlet.
  - 6.2. *Foundations of Freedom Course, Form #12.021, Video 4: Willful Government Deception and Propaganda*  
[http://www.youtube.com/watch?v=DvnTL\\_Z5asc](http://www.youtube.com/watch?v=DvnTL_Z5asc)
7. That judges and attorneys can add ANYTHING they want to the geographical definitions found in Title 8 of the U.S. Code such as states of the Union, even though they are not EXPRESSLY included and therefore PURPOSEFULLY excluded per the Rules of Statutory Construction and Interpretation. This is a recipe for communism and anarchy. See:

*Legal Deception, Propaganda, and Fraud*, Form #05.014  
<http://sedm.org/Forms/FormIndex.htm>

If Larry Becraft, or any attorney for that matter, admits any of the above contradictions and the FRAUD they represent, he will also have to admit that he has been misrepresenting the law and injuring his clients for most of his career. Hence, all he can present is:

1. An “immune response” by refusing to talk about the above issues.
2. An attack on the credibility of the messenger and try to “shoot the messenger”, which is us.
3. Refusing to clarify the context and DEFINITION and CONTEXT of specific “words of art” he is using to commit identity theft by equivocation.

Judges do the same thing, by calling arguments “frivolous” but refusing to present evidence on the record PROVING the arguments are indeed incorrect. In that sense, they are violating the separation of powers by acting in a POLITICAL capacity, where “frivolous” simply means you are a heretic that refuses to join the state sponsored religion of false presumption, which presumption serves as a substitute for religious faith and also violates due process of law. Such tactics are how judges and attorneys do “risk management” and protect their “plausible deniability”. This prevents them from having to defend themselves from suits brought by clients or litigants they have injured in the past with their false presumptions, misrepresentations, and legal ignorance. The worst thing an attorney can do is admit they are mistaken, so they seldom take any position on any matter and always defer to any and every judge they are in front of, like Jell-O that molds to fill any space. Are you beginning to understand why the only people Jesus got angry at were the lawyers? Father, forgive them, for they know not what they do.

In addition to the questions later in section 24, below are the key questions Mr. Becraft refuses to answer because it exposes his false and self-serving and unconstitutional presumptions about citizenship:

1. By “national” within federal law, are you sure you don’t mean “national of the United States[\*\*]” per 8 U.S.C. §1101(a)(22) or the common in *Perkins v. Elg*, 307 U.S. 325 (1939)? If so, we agree with your argument but you need to clarify this is the case to prevent the confusion you are causing.
2. Is a state domiciled party born anywhere in the COUNTRY America included within the definition of “national” found in 8 U.S.C. §1101(a)(21) and if not WHY not?

- 1 3. Is the “state” mentioned in 8 U.S.C. §1101(a)(21) legislatively but not constitutionally foreign because it is lower case?  
2 4. Specifically WHAT would a human with American nationality domiciled in a legislatively foreign state such as a state  
3 of the Union be called within Title 8?  
4 5. If you say such a person would be a “national and citizen of the United States AT BIRTH” per 8 U.S.C. §1401, then  
5 what would a citizen of the District of Columbia be called if not that in 8 U.S.C. §1401? Citizens of the District of  
6 Columbia and of the constitutional states are NOT equivalent per the U.S. Supreme Court.

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

15 In his defense, we also talked with Mr. Becraft about this section. He recognizes the existence of state citizens just as we do,  
16 but differs on what they should be called within federal statutes. He says that instead of calling themselves “non-citizen  
17 nationals” they should simply call themselves “American citizens”. He says that even early enactments of Congress recognize  
18 the distinctions between statutory “U.S.[\*\*] citizens[\*]” and state citizens by calling state citizens “American citizens” or  
19 “citizens of the United States of America”. For an example of such an approach, see:

1 Stat. 477, SEDM Exhibit #01.004  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

## 20 20.2 Government false arguments

### 21 20.2.1 POLITICAL “citizens\*” under 26 C.F.R. 1.1-1(c) and CIVIL “citizens\*\*+D” under 26 C.F.R. 1.1-1(a) and 22 (b) are the same<sup>120</sup>

False Argument: POLITICAL “citizens\*” under 26 C.F.R. 1.1-1(c) and CIVIL “citizens\*\*+D” under 26 C.F.R. 1.1-1(a) and (b) are the same.

Corrected Alternative Argument: POLITICAL “citizens\*” under 26 C.F.R. §1.1-1(c) and CIVIL “citizens\*\*+D” under 26 C.F.R. §1.1-1(a) and (b) are NOT the same. ONE is a POLITICAL STATUS and the other is a CIVIL STATUS. No civil statutory obligations can attach to a POLITICAL status while they can attach to CIVIL statuses. POLITICAL status is involuntary and a product of birth or naturalization. CIVIL statuses are entirely voluntary and avoidable by simply not declaring the status on a government form. The government routinely equivocates to deceive the average American into believing that these two contexts are synonymous and inseparable, but they aren’t.

Further information:

1. How You are Illegally Deceived or Compelled to Transition from Being a POLITICAL Citizen to a CIVIL Citizen: By Confusing the Two Contexts, Family Guardian Fellowship  
<https://famguardian.org/Subjects/LawAndGovt/Citizenship/HowCitObfuscated.htm>
2. Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

23 Two different types of “citizens” mentioned under I.R.C. 1 imposing the income tax:

24 [26 CFR § 1.1-1 - Income tax on individuals.](#)

25 § 1.1-1 Income tax on individuals.

26 (b) Citizens or residents of the United States liable to tax.

27 In general, all citizens of the United States, wherever resident, and all resident alien individuals are liable to  
28 the income taxes imposed by the Code whether the income is received from sources within or without the

<sup>120</sup> Source: Flawed Tax Arguments to Avoid, Form #08.004, Section 9.1.1; <https://sedm.org/Forms/FormIndex.htm>.



United States. Pursuant to section 876, a nonresident alien individual who is a bona fide resident of a section 931 possession (as defined in §1.931-1(c)(1) of this chapter) or Puerto Rico during the entire taxable year is, except as provided in section 931 or 933 with respect to income from sources within such possessions, subject to taxation in the same manner as a resident alien individual. As to tax on nonresident alien individuals, see sections 871 and 877.

(c) Who is a citizen.

Every person born or naturalized in the United States and subject to its jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the Immigration and Nationality Act (8 U.S.C. 1401-1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), *Schneider v. Rusk*, (1964) 377 U.S. 163, and Rev. Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

Paragraph (c) above is a POLITICAL/TERRITORIAL “national and citizen of the United States\*\* at birth” mentioned in 8 U.S.C. §1401. Since the Fourteenth Amendment is not EXPRESSLY invoked in this paragraph or in any of the authorities it references such as 8 U.S.C. §1401-1459, then Fourteenth Amendment citizens born or naturalized within the exclusive jurisdiction of constitutional states are purposefully excluded per the rules of statutory construction:

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

“It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. *Colautti v. Franklin*, 439 U.S. 379, 392, and n. 10 (1979). Congress’ use of the term “propaganda” in this statute, as indeed in other legislation, has no pejorative connotation.[19] **As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it.**”  
[*Meese v. Keene*, 481 U.S. 465, 484 (1987)]

“As a rule, `a definition which declares what a term “means” . . . **excludes** any meaning that is not stated”  
[*Colautti v. Franklin*, 439 U.S. 379 (1979), n. 10]

That is NOT to say that Fourteenth Amendment American nationals COULD not VOLUNTEER to be the POLITICAL “citizens\*” defined in 26 C.F.R. §1.1-1(c), because anything done by consent cannot form the basis for an injury. However, it is our understanding that since “citizen” limits itself to POLITICAL/TERRITORIAL “nationals and citizens of the United States\*\* at birth” in 8 U.S.C. 1401, it appears to us that any attempt by a Fourteenth Amendment “citizen of the United States\*\*\*” to IMPERSONATE an 8 U.S.C. §1401 citizen would constitute the crime of impersonating a citizen of the United States\*\*\*

18 U.S. Code § 911 - Citizen of the United States

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both.

(June 25, 1948, ch. 645, 62 Stat. 742; Pub. L. 103-322, title XXXIII, § 330016(1)(H), Sept. 13, 1994, 108 Stat. 2147.)

26 C.F.R. §1.1-1(b) above adds the phrase “of the United States” to the POLITICAL/TERRITORIAL citizen” in 26 C.F.R. §1.1-1(c). This “United States” is the government as a corporation, and NOT a geography. This is so because they didn’t write “geographical” in front of it as they defined “United States” in 26 U.S.C. §7701(a)(9) and (a)(10). According to the

U.S. Supreme Court in Ngiraingas v. Sanchez, 495 U.S. 182 (1990) and Proprietors of Charles River Bridge v. Proprietors of Warren Bridge, 36 U.S. 420 (1837), ALL governments are corporations.

The “citizen” upon whom the tax is imposed in 26 C.F.R. §1.1-1(a) is NOT merely and ONLY a POLITICAL/TERRITORIAL “citizen\* of the United States\*\*\*” (federal zone) described in 26 C.F.R. §1.1-1(c). There would be NO NEED for these two things if they were both the same. INSTEAD, it is a:

1. POLITICAL/TERRITORIAL “citizen” defined in 8 U.S.C. §1401 as described in 26 C.F.R. §1.1-1(c).
2. AND who is ALSO “OF the United States\*\*\*\*” (corporation and not geography) in 26 C.F.R. §1.1-1(b).

There would be NO NEED to separate the above two in 26 C.F.R. §1.1-1(b) and (c) if these things were synonymous and they referred to the SAME “United States”. They HAD to do it this way because of the following requirements to implement a LEGITIMATE franchise that the income tax is:

*“In a legal or narrower sense, the term “franchise” is more often used to designate a right or privilege conferred by law, [1] and the view taken in a number of cases is that to be a franchise, the right possessed must be such as cannot be exercised without the express permission of the sovereign power [2] –that is, a privilege or immunity of a public nature which cannot be legally exercised without legislative grant. [3] It is a privilege conferred by government on an individual or a corporation to do that “which does not belong to the citizens [NATIONALS or “nationals of the United States” who are nonresident aliens] of the country generally by common right.” [4] For example, a right to lay rail or pipes, or to string wires or poles along a public street, is not an ordinary use which everyone may make of the streets, but is a special privilege, or franchise, to be granted for the accomplishment of public objects [5] which, except for the grant, would be a trespass. [6] In this connection, the term “franchise” has sometimes been construed as meaning a grant of a right to use public property, or at least the property over which the granting authority has control. [7]”*  
*[American Jurisprudence 2d, Franchises, §1: Definitions (1999)]*

#### FOOTNOTES:

[1] *People ex rel. Fitz Henry v. Union Gas & E. Co.* 254 Ill. 395, 98 N.E. 768; *State ex rel. Bradford v. Western Irrigating Canal Co.* 40 Kan 96, 19 P. 349; *Milhau v. Sharp*, 27 N.Y. 611; *State ex rel. Williamson v. Garrison (Okla)*, 348 P.2d. 859; *Ex parte Polite*, 97 Tex Crim 320, 260 S.W. 1048.

The term “franchise” is generic, covering all the rights granted by the state. *Atlantic & G. R. Co. v. Georgia*, 98 U.S. 359, 25 L.Ed. 185.

A franchise is a contract with a sovereign authority by which the grantee is licensed to conduct a business of a quasi-governmental nature within a particular area. *West Coast Disposal Service, Inc. v. Smith (Fla App)*, 143 So.2d. 352.

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[3] *State v. Real Estate Bank*, 5 Ark. 595; *Brooks v. State*, 3 Boyce (Del) 1, 79 A. 790; *Belleville v. Citizens’ Horse R. Co.*, 152 Ill. 171, 38 N.E. 584; *State ex rel. Clapp v. Minnesota Thresher Mfg. Co.* 40 Minn 213, 41 N.W. 1020.

[4] *New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co.*, 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; *People’s Pass. R. Co. v. Memphis City R. Co.*, 10 Wall (US) 38, 19 L.Ed. 844; *Bank of Augusta v. Earle*, 13 Pet (U.S.) 519, 10 L.Ed. 274; *Bank of California v. San Francisco*, 142 Cal. 276, 75 P. 832; *Higgins v. Downward*, 8 Houst (Del) 227, 14 A. 720, 32 A. 133; *State ex rel. Watkins v. Fernandez*, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; *Lasher v. People*, 183 Ill. 226, 55 N.E. 663; *Inland Waterways Co. v. Louisville*, 227 Ky. 376, 13 S.W.2d. 283; *Lawrence v. Morgan’s L. & T. R. & S. S. Co.*, 39 La. Ann. 427, 2 So. 69; *Johnson v. Consolidated Gas E. L. & P. Co.*, 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; *Stoughton v. Baker*, 4 Mass 522; *Poplar Bluff v. Poplar Bluff Loan & Bldg. Asso.*, (Mo App) 369 S.W.2d. 764; *Madden v. Queens County Jockey Club*, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; *Shaw v. Asheville*, 269 N.C. 90, 152 S.E.2d. 139; *Victory Cab Co. v. Charlotte*, 234 N.C. 572, 68 S.E.2d. 433; *Henry v. Bartlesville Gas & Oil Co.*, 33 Okla 473, 126 P. 725; *Elliott v. Eugene*, 135 Or. 108, 294 P. 358; *State ex rel. Daniel v. Broad River*

Power Co. 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 S.D. 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com., 101 Utah 99, 118 P.2d. 683.

A franchise represents the right and privilege of doing that which does not belong to citizens generally, irrespective of whether net profit accruing from the exercise of the right and privilege is retained by the franchise holder or is passed on to a state school or to political subdivisions of the state. State ex rel. Williamson v. Garrison (Okla), 348 P.2d. 859.

Where all persons, including corporations, are prohibited from transacting a banking business unless authorized by law, the claim of a banking corporation to exercise the right to do a banking business is a claim to a franchise. The right of banking under such a restraining act is a privilege or immunity by grant of the legislature, and the exercise of the right is the assertion of a grant from the legislature to exercise that privilege, and consequently it is the usurpation of a franchise unless it can be shown that the privilege has been granted by the legislature. People ex rel. Atty. Gen. v. Utica Ins. Co., 15 Johns (NY) 358.

[5] New Orleans Gaslight Co. v. Louisiana Light & H. P. & Mfg. Co., 115 U.S. 650, 29 L.Ed. 516, 6 S.Ct. 252; People's Pass. R. Co. v. Memphis City R. Co., 10 Wall (US) 38, 19 L.Ed. 844; Bank of Augusta v. Earle, 13 Pet (U.S.) 519, 10 L.Ed. 274; Bank of California v. San Francisco, 142 Cal. 276, 75 P. 832; Higgins v. Downward, 8 Houst (Del) 227, 14 A. 720, 32 A. 133; State ex rel. Watkins v. Fernandez, 106 Fla. 779, 143 So. 638, 86 A.L.R. 240; Lasher v. People, 183 Ill. 226, 55 N.E. 663; Inland Waterways Co. v. Louisville, 227 Ky. 376, 13 S.W.2d. 283; Lawrence v. Morgan's L. & T. R. & S. S. Co., 39 La. Ann. 427, 2 So. 69; Johnson v. Consolidated Gas E. L. & P. Co., 187 Md. 454, 50 A.2d. 918, 170 A.L.R. 709; Stoughton v. Baker, 4 Mass 522; Poplar Bluff v. Poplar Bluff Loan & Bldg. Assn. (Mo App) 369 S.W.2d. 764; Madden v. Queens County Jockey Club, 296 N.Y. 249, 72 N.E.2d. 697, 1 A.L.R.2d. 1160, cert den 332 U.S. 761, 92 L.Ed. 346, 68 S.Ct. 63; Shaw v. Asheville, 269 N.C. 90, 152 S.E.2d. 139; Victory Cab Co. v. Charlotte, 234 N.C. 572, 68 S.E.2d. 433; Henry v. Bartlesville Gas & Oil Co., 33 Okla 473, 126 P. 725; Elliott v. Eugene, 135 Or. 108, 294 P. 358; State ex rel. Daniel v. Broad River Power Co. 157 S.C. 1, 153 S.E. 537; State v. Scougal, 3 S.D. 55, 51 N.W. 858; Utah Light & Traction Co. v. Public Serv. Com., 101 Utah 99, 118 P.2d. 683.

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[6] People ex rel. Foley v. Stapleton, 98 Colo. 354, 56 P.2d. 931; People ex rel. Central Hudson Gas & E. Co. v. State Tax Com. 247 N.Y. 281, 160 N.E. 371, 57 A.L.R. 374; People v. State Tax Comrs. 174 N.Y. 417, 67 N.E. 69, aff'd 199 U.S. 1, 50 L.Ed. 65, 25 S.Ct. 705.

[7] Young v. Morehead, 314 Ky. 4, 233 S.W.2d. 978, holding that a contract to sell and deliver gas to a city into its distribution system at its corporate limits was not a franchise within the meaning of a constitutional provision requiring municipalities to advertise the sale of franchises and sell them to the highest bidder.

A contract between a county and a private corporation to construct a water transmission line to supply water to a county park, and giving the corporation the power to distribute water on its own lands, does not constitute a franchise. Brandon v. County of Pinellas (Fla App), 141 So.2d. 278.

Black's Law Dictionary REPEATS the above requirement that a franchise is a PRIVILEGE that ADDS to the powers of an ordinary POLITICAL and not CIVIL citizen\* (meaning a "national of the United States\*") under the definition of "privilege" as follows:

Privilege. A particular benefit or advantage enjoyed by a person, company, or class beyond the common advantages of other citizens [meaning POLITICAL citizens\* who are "nationals of the United State\*" or "U.S.\* nationals"]. An exceptional or extraordinary power or exemption. A peculiar right, advantage, exemption, power, franchise, or immunity held by a person or class, not generally possessed by others.  
[Black's Law Dictionary, Sixth Edition, p. 1197]

Ordinary POLITICAL/TERRITORIAL "citizens" under 26 C.F.R. §1.1-1(c) have common rights and therefore that status CANNOT be a franchise. So they had to tack "of the United States\*\*\*\*" federal corporation at the end in 26 C.F.R. §1.1-1(a) and (b) to make it a franchise that pertains to a SPECIFIC consenting human rather than ALL "citizen\*". THIS is why the U.S. Supreme Court refers to income taxes as "quasi-contractual" in nature in Milwaukee v. White, 296 U.S. 268 (1935).

THIS VOLUNTEER “citizen\* of the United States\*\*\*\*” federal corporation is, in fact, SYNONYMOUS with the government itself and therefore is an AGENT of the government:

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

*“A foreign corporation is one that derives its existence solely from the laws of another state, government, or country, and the term is used indiscriminately, sometimes in statutes, to designate either a corporation created by or under the laws of another state or a corporation created by or under the laws of a foreign country.”*

*“A federal corporation operating within a state is considered a domestic corporation rather than a foreign corporation. The United States government is a foreign corporation with respect to a state.”*  
[19 Corpus Juris Secundum (C.J.S.), Corporations, §883 (2003)]

Thus, the “citizen” who is the “taxpayer” is a POLITICAL/TERRITORIAL citizen who VOLUNTEERED to work WITHIN the Treasury Department under the Secretary of the Treasury by making an election in filing the 1040 return, and thus LITERALLY “electing” themselves into government office or agency. They are “foreign” in respect to a constitutional state and an agent of the national government. That ELECTION is thoroughly described in:

How American Nationals Volunteer to Pay Income Tax, Form #08.024  
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>

Note that we DO NOT contest the validity, history, or ratification of the Fourteenth Amendment. There are no disabilities to being a POLITICAL/CONSTITUTIONAL Fourteenth Amendment “citizen\* of the United States\*\*\*\*” (states of the Union and not federal territory) that we are aware of. What we object to is frequent government equivocation between the CIVIL/DOMICILED “citizen(\*\*+D) of United States\*\*\*\*” (legal/corporation) in 26 C.F.R. §1.1-1(a) and (b) and the POLITICAL/CONSTITUTIONAL citizen\* mentioned in the Fourteenth Amendment, because they are NOT the same and in fact are mutually exclusive. That deception is thoroughly documented in:

How You are Illegally Deceived or Compelled to Transition from Being a POLITICAL Citizen to a CIVIL Citizen: By Confusing the Two Contexts, Family Guardian Fellowship  
<https://famguardian.org/Subjects/LawAndGovt/Citizenship/HowCitObfuscated.htm>

This source of government deception is a red herring to draw your attention away from the main point of this website, which is the distinction between a FRANCHISE or CIVIL or TAX status on the one hand, and a CONSTITUTIONAL status on the other. This is explained in:

Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015  
<https://sedm.org/Forms/08-PolicyDocs/FourteenthAmendNotProb.pdf>

## **20.2.2 American Nationals born in states of the Union are not “U.S. nationals” or cannot file as a nonresident alien<sup>121</sup>**

False Argument: American Nationals born in states of the Union are not “U.S. nationals” or cannot file as a nonresident alien

Corrected Alternative Argument: American Nationals born in states of the Union are in fact “U.S.\*\*\* nationals” or “nationals of the United States\*\*\* OF AMERICA” as recognized by BOTH the IRS, the State Department, and even Black’s Law Dictionary.

Further information:

1. Non-Resident Non-Person Position, Form #05.020, Section 10.4.5  
<http://sedm.org/Forms/FormIndex.htm>
2. Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006

<sup>121</sup> Source: Non-Resident Non-Person Position, Form #05.020, Section 10.4.5; <http://sedm.org/Forms/FormIndex.htm>.

For the purposes of this discussion, an “American National” is anyone born or naturalized anywhere in the COUNTRY “United States\*”. They are also called POLITICAL “citizens\*” or the United States\*” throughout our website. A “national” is simply someone possessing “nationality”, who is also called a “national of the United States\*”.

A subset of all such American Nationals are those born in states of the Union as recognized in the Fourteenth Amendment. We also call this subset of American Nationals by the term “state nationals” when they physically reside in states of the Union and therefore are standing on land protected by the Constitution. We invoke the “state nationals” term mainly and only to describe the main community of people we serve in states of the Union. The term “state national”, however is not found in any government statute and is not officially recognized by any court. It’s use in a court setting should therefore be AVOIDED, unless you take care to at least DEFINE it before invoking it. An example of such a definition is found in:

*Flawed Tax Arguments to Avoid*, Form #08.004, Section 12.8.1.24  
<https://sedm.org/Forms/08-PolicyDocs/FlawedArgsToAvoid.pdf>

At this time, all the following sources officially recognize those who are POLITICAL citizens\* as “U.S. nationals”:

1. Department of State Foreign Affairs Manual (FAM), 8 FAM 301.1:

[8 FAM 301.1 Acquisition by Birth in the United States](#)

(CT:CITZ-50; 01-21-2021)

(Office of Origin: CA/PPT/S/A)

[8 FAM 301.1-1 Introduction](#)

(CT:CITZ-50; 01-21-2021)

*a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:*

*(1) Jus soli (the law of the soil) - a rule of common law under which the place of a person’s birth determines citizenship. In addition to common law, this principle is embodied in the 14th Amendment to the U.S. Constitution and the various U.S. citizenship and nationality statutes; and*

*(2) Jus sanguinis (the law of the bloodline) - a concept of Roman or civil law under which a person’s citizenship is determined by the citizenship of one or both parents. This rule, frequently called “citizenship by descent” or “derivative citizenship”, is not embodied in the U.S. Constitution, but such citizenship is granted through statute. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.*

***b. National vs. citizen: While most people and countries use the terms “citizenship” and “nationality” interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term “national of the United States”, as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship:***

*(1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, State, or local elections except in their place of birth. (See [7 FAM 012](#) and [7 FAM 1300 Appendix B](#) Endorsement 09.);*

*(2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals. (See [7 FAM 1120](#) and [7 FAM 1100 Appendix P.](#));*

*(3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See [7 FAM 1125.](#)); and*



(4) See 7 FAM 1126 regarding the citizenship/nationality status of persons born on the Commonwealth of the Northern Mariana Islands (CNMI).

2. Department of State Regulations governing passports:

22 CFR § 51.2 - Passport issued to nationals only.

§ 51.2 Passport issued to nationals only.

(a) A passport may be issued only to a U.S. national.

(b) Unless authorized by the Department, no person may bear more than one valid passport of the same type.

22 CFR § 51.1 - Definitions.

U.S. national means a U.S. citizen or a U.S. non-citizen national.

3. Current IRS 1040-NR Instructions:

## Filing Status

The amount of your tax depends on your filing status. Before you decide which box to check, read the following explanations.



Remember to provide your country of residency, or that you're a **U.S. national**, on Schedule OI (Form 1040-NR), item A or B, as applicable. Certain tax benefits, such as the child tax credit and the credit for other dependents, are only available to residents of Canada and Mexico and to **U.S. nationals**, and, to a limited extent, to residents of South Korea and India.

**U.S. national.** A **U.S. national** is a citizen of the United States, or a person who, though not a citizen of the United States, owes permanent allegiance to the United States. **U.S. nationals** include American Samoans and Northern Mariana Islanders who chose to become **U.S. nationals** instead of U.S. citizens.

SOURCE: <https://www.irs.gov/instructions/i1040nr>

See also:

IRS Acknowledges Constitutional Citizens as U.S. Nationals in the 1040-NR Instructions for 2023, SEDM  
<https://sedm.org/irs-acknowledges-constitutional-citizens-as-u-s-nationals-in-the-1040-nr-instructions-for-2023/>

4. Black's Law Dictionary 11<sup>th</sup> Edition, p. 1853:

**U.S. citizen.** A national of the United States or a noncitizen who owes permanent allegiance to the United States. 8 USCA § 1101(a)(22). — Also termed **U.S. national**; **national of the United States**.

See also:

Black's Law Dictionary Capitulates with Us and Defines "U.S. Citizen" as a "national"!, SEDM  
<https://sedm.org/blacks-law-dictionary-capitulates-with-us-and-defines-u-s-citizen-as-a-national/>

- 1 5. Older versions of the 1040NR tax return:  
2 5.1. 1040NR return, years 1980-1983 lists “nationals of the U.S.” as nonresident aliens.  
3 5.2. 1040NR return, years 1984-2017 lists “U.S. nationals” as being nonresident aliens.

4 To see the above for yourself, visit:

*Prior Year Products*, Internal Revenue Service. You can look at all the old IRS forms here.  
<https://apps.irs.gov/app/picklist/list/priorFormPublication.html>

- 5 6. The IRS Internal Revenue Manual, Section 3.38.147 International Tax Returns and Documents, International Notices:  
6 6.1. [Internal Revenue Manual \(I.R.M.\), Section 3.38.147.3.1](#)(10) defines a “nonresident alien” as:

7 *Internal Revenue Manual*

8 *Part 3. Submission Processing*

9 *Chapter 38. International Tax Returns and Documents*

10 *Section 147. International Notices*

11 [3.38.147.3.1 \(01-01-2025\) Definitions](#)

12 *Nonresident Alien - An individual who is neither a citizen nor a resident of the United States, including an alien*  
13 *who is temporarily residing in the U.S., a resident alien who has abandoned permanent residence in the U.S. or*  
14 *an alien who has never been in the U.S.*

15 *[SOURCE: [https://www.irs.gov/irm/part3/irm\\_03-038-147r#idm139767551984112](https://www.irs.gov/irm/part3/irm_03-038-147r#idm139767551984112)]*

- 16 6.2. [Internal Revenue Manual \(I.R.M.\), Section 3.38.147.3.1](#)(25) says as persons born in American Samoa are  
17 considered “U.S. national” for tax purposes but doesn’t define what a “U.S. national” is by describing ALL that is  
18 “included”.  
19 6.3. [Internal Revenue Manual \(I.R.M.\), Section 3.38.147.2](#) and [3.38.147.3.1](#) through [3.38.147.3.12](#) discusses  
20 “international taxpayers” and “nonresident aliens”.  
21 [https://www.irs.gov/irm/part3/irm\\_03-038-147r#idm139636844616640](https://www.irs.gov/irm/part3/irm_03-038-147r#idm139636844616640).  
22 6.4. IRS Form 1040NR instructions at [I.R.M. 3.38.147.3.3](#) (01-01-2022), [3.38.147.3.4](#) (01-01-2020), [3.38.147.3.5 \(11-](#)  
23 [19-2019\)](#), and [3.38.147.8.3.1 \(01-01-2022\)](#) identify “U.S. nationals” as “nonresident aliens”.  
24 6.5. [I.R.M. 3.38.147.3.1](#)(1) and [26 C.F.R. §1.1441-1](#)(c)(3)(i) identify an “alien individual” as someone who is  
25 NEITHER a “citizen” nor a “national”. “U.S. nationals” from states of the Union do not satisfy this criteria and  
26 therefore are not “aliens” within the Internal Revenue Code for the purposes of withholding. This also proves that  
27 the definition of “nonresident alien” in [I.R.M. 3.38.147.3.1](#)(11) is incomplete and needs to have “U.S. nationals”  
28 ADDED to it as a candidate for being “nonresident alien”.

29 For a detailed history of the relationship between nationality and the 1040NR tax return proving that American Nationals  
30 have always had the ability to file as nonresident aliens, see:

*Tax Return History-Citizenship*, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/Citizenship/TaxReturnHistory-Citizenship/TaxReturnHistory-Citizenship.htm>

31 **20.2.3 People domiciled in a constitutional state are STATUTORY “persons” and “citizens” under the Internal**  
32 **Revenue Code**<sup>122</sup>

**False Argument:** All people domiciled in a constitutional state are STATUTORY “persons” under the Internal Revenue Code.

**Corrected Alternative Argument:** Constitutional “persons” and STATUTORY “persons” are NOT synonymous and mutually exclusive. See *Flawed Tax Arguments to Avoid*, Form #08.004, Section 9.4.3. To acquire a civil status under the statutes of the national government requires a domicile on federal territory not within the exclusive jurisdiction of a

<sup>122</sup> Source: *Flawed Tax Arguments to Avoid*, Form #08.004, Section 9.4.3; <https://sedm.org/Forms/FormIndex.htm>.

constitutional state or the execution of a contract or agreement. Those non-residents who do NOT consent to acquire the status of “individual” by applying for an INDIVIDUAL Taxpayer Identification Number retain their status as “non-persons”. Since you can only have a domicile in one place at a time, then you can only have a civil STATUTORY status in one place at a time. To confuse or ignore these two separate and distinct contexts or to UNCONSTITUTIONALLY PRESUME that they are equivalent is to destroy the separation of powers that is the foundation of the United States Constitution, as described in Government Conspiracy to Destroy the Separation of Powers, Form #05.023; <https://sedm.org/Forms/05-MemLaw/SeparationOfPowers.pdf>.

**Further information:**

1. Revenue Ruling 2007-22; [https://www.irs.gov/irb/2007-14\\_IRB#RR-2007-22](https://www.irs.gov/irb/2007-14_IRB#RR-2007-22). Source of this FALSE argument.
2. Proof That There Is a “Straw Man”, Form #05.042 – proves that most statutory “persons” are public officers in the government.  
<https://sedm.org/Forms/FormIndex.htm>
3. Great IRS Hoax, Form #11.302, Section 5.2.6: The TWO Sources of Federal Civil Jurisdiction: “Domicile” and “Contract”  
<https://sedm.org/Forms/FormIndex.htm>
4. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008 -why no one can FORCE you to acquire ANY civil STATUTORY status, including “person” or “citizen”.  
<https://sedm.org/Forms/FormIndex.htm>
5. Government Identity Theft, Form #05.046-techniques by which words such as those in this revenue ruling are abused to commit criminal identity theft by the I.R.S. and government prosecutors.  
<https://sedm.org/Forms/FormIndex.htm>
6. Legal Deception, Propaganda, and Fraud, Form #05.014  
<https://sedm.org/Forms/FormIndex.htm>

The source of this false argument is Revenue Ruling 2007-22, which reads as follows:

**Rev.Rul. 2007-22**

*Frivolous tax returns; citizens of a state. This ruling discusses and refutes the frivolous position taken by some taxpayers that they are not subject to federal income tax, or that their income is excluded from taxation, because either (1) they claim to have rejected or renounced United States citizenship and are citizens exclusively of a state (sometimes characterized as a “natural-born citizen” of a “sovereign state”), or (2) they are not persons as identified by the Internal Revenue Code.*

**PURPOSE**

*The Internal Revenue Service (Service) is aware that some taxpayers are claiming that they are not subject to federal income tax, or that their income is excluded from taxation, because: 1) the taxpayers have declared that they have rejected or renounced United States citizenship because the taxpayers are citizens exclusively of a State (sometimes characterized as a “natural-born citizen” of a “sovereign state”); or 2) the taxpayers claim they are not persons as identified by the Internal Revenue Code. These taxpayers often furnish Forms W-4, Employee’s Withholding Allowance Certificate, to their employers on which the taxpayers claim excessive withholding allowances or claim complete exemption from withholding. Based on these Forms W-4, federal income taxes are not withheld from wages paid. Alternatively, these taxpayers attempt to avoid their federal income tax liability by submitting a Form 4852, Substitute for Form W-2, Wage and Tax Statement, or Form 1099-R, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc., to the Internal Revenue Service with a zero on the line for the amount of wages received. These taxpayers often either fail to file returns, or file returns showing no income and claiming a refund for any withheld income taxes. The Service is also aware that some promoters, including return preparers, market a book, package, kit, or other materials that claim to show taxpayers how they can avoid paying income taxes based on these and other meritless arguments.*

*This revenue ruling emphasizes to taxpayers, promoters and return preparers that all U.S. citizens and residents are subject to federal income tax. Any argument that a taxpayer’s income is excluded from taxation because: 1) the taxpayer has rejected or renounced United States citizenship because the taxpayer is a citizen exclusively of a State (sometimes characterized as a “natural-born citizen” of a “sovereign state”); or 2) the taxpayer is not a person as defined by the Internal Revenue Code and is, therefore, not subject to federal tax, has no merit and is frivolous.*

*The Service is committed to identifying taxpayers who attempt to avoid their federal tax obligations by taking frivolous positions. The Service will take vigorous enforcement action against these taxpayers and against promoters and return preparers who assist taxpayers in taking these frivolous positions. Frivolous returns and other similar documents submitted to the Service are processed through the Service’s Frivolous Return Program.*

As part of this program, the Service determines whether taxpayers who have taken frivolous positions have filed all required tax returns; computes the correct amount of tax and interest due; and determines whether civil or criminal penalties should apply. The Service also determines whether civil or criminal penalties should apply to return preparers, promoters and others who assist taxpayers in taking frivolous positions, and recommends whether an injunction should be sought to halt these activities. Other information about frivolous tax positions is available on the Service website at [www.irs.gov](http://www.irs.gov).

## **ISSUES**

1. Whether a taxpayer may avoid federal income tax liability by maintaining that the taxpayer is not a citizen of the United States and, thus, is not subject to the federal income tax laws.

2. Whether a taxpayer may avoid federal income tax liability by claiming the taxpayer is not a “person” as defined by the Internal Revenue Code and, thus, is not subject to the federal income tax laws.

## **FACTS**

Taxpayer A claims to be exempt from federal income tax because, as a “sovereign citizen” of Taxpayer A’s state of residence, Taxpayer A is not a citizen or resident of the United States and is not subject to federal tax laws.

Taxpayer B claims that the Fourteenth Amendment, providing “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside,” applies only to freed slaves and their descendants, and that all other persons are solely citizens of their state of residence.

Taxpayer C claims not to be a United States citizen or a person subject to tax because Taxpayer C has not requested, obtained, or exercised any privilege from an agency of government.

Taxpayer D claims not to be a “person” or a “taxpayer” as defined by the Internal Revenue Code because Taxpayer D is a freeborn and natural individual and not subject to the jurisdiction of the United States.

The taxpayer often furnishes a Form W-4, Employee’s Withholding Allowance Certificate, to the employer on which the taxpayer claims excessive withholding allowances or claims complete exemption from withholding. Based on this Form W-4, federal income taxes are not withheld from wages paid. Alternatively, the taxpayer prepares a Form 4852 (Substitute for Form W-2) showing no wages received.

The taxpayer either fails to file a return, or files a return reporting zero income and claiming a refund for all taxes withheld. The taxpayer then contends the taxpayer is not covered by the federal tax laws and is not subject to federal income tax because the taxpayer is not a citizen of the United States, or the taxpayer is not a person as defined by the Internal Revenue Code.

## **LAW AND ANALYSIS**

### **1. Citizenship**

The Fourteenth Amendment to the United States Constitution defines the basis for United States citizenship, stating that “[a]ll persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.” The Fourteenth Amendment, therefore, establishes simultaneous state and federal citizenship. See *United States v. Cruikshank*, 92 U.S. 542, 549 (1875) (“The same person may be at the same time a citizen of the United States and a citizen of a State. . . .”); *In re Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 74 (1873) (A man “must reside within the State to make him a citizen of it, but it is only necessary that he should be born or naturalized in the United States to be a citizen of the Union”). The Fourteenth Amendment’s granting of citizenship applies to all persons born or naturalized in the United States, regardless of race. See, e.g., *Bell v. State of Maryland*, 378 U.S. 226, 249 (1964) (Douglas, J., concurring) (“The Fourteenth Amendment also makes every person who is born here a citizen; and there is no second or third or fourth class of citizenship.”).

Section 7701(a)(9) of the Internal Revenue Code states that “[t]he term ‘United States’ when used in a geographical sense includes only the States and the District of Columbia.” Claims that individuals are not citizens of the United States but are solely citizens of a sovereign state and not subject to federal taxation have been uniformly rejected by the courts. See, e.g., *United States v. Hilgeford*, 7 F.3d 1340, 1342 (7th Cir. 1993) (“The defendant in this case apparently holds a sincere belief that he is a citizen of the mythical ‘Indiana State Republic’ and for that reason is an alien beyond the jurisdictional reach of federal courts. This belief is, of course, incorrect.”); *United States v. Gerads*, 999 F.2d 1255, 1256 (8th Cir. 1993) (“[We] reject appellants’ contention that they are not citizens of the United States, but rather ‘Free Citizens of the Republic of Minnesota’ and, consequently, not subject to taxation.”); *O’Driscoll v. Internal Revenue Service*, 1991 U.S. Dist. LEXIS 9829, \*5-6 (E.D. Penn. 1991) (“Despite plaintiff’s linguistic gymnastics, he is a citizen of both the United States and Pennsylvania, and liable for federal taxes.”).



Similarly, the individual states are part of the United States and income earned within them is fully subject to United States taxation. See, e.g., *Solomon v. Commissioner*, T.C. Memo. 1993-509 (responding to argument that all of petitioner's income was earned outside of the United States, the court held that "petitioner attempts to argue an absurd proposition, essentially that the State of Illinois is not part of the United States.").

## **2. Definition of Person**

The Internal Revenue Code defines "person" and sets forth which persons are subject to federal taxes. Section 7701(a)(14) defines "taxpayer" as "any person" subject to any internal revenue tax, and section 7701(a)(1) defines "person" to include an individual, trust, estate, partnership, or corporation.

Arguments that an individual is not a "person" within the meaning of the Internal Revenue Code have been uniformly rejected by the courts as have arguments with respect to the term "individual." See, e.g., *United States v. Dawes*, 874 F.2d. 746, 750-51 (10th Cir. 1989), overruled on other grounds, 895 F.2d. 1577 (10th Cir. 1990) ("The contention that appellants are not taxpayers because they are 'free born, white, preamble, sovereign, natural, individual common law 'de jure' citizens of Kansas' is frivolous. Individuals are 'persons' under the Internal Revenue Code and thus subject to 26 U.S.C. § 7203."); *United States v. Studley*, 783 F.2d. 934, 937 n.3 (9th Cir. 1986) (in holding that an individual is a person under the Internal Revenue Code, the court noted "this argument has been consistently and thoroughly rejected by every branch of the government for decades. Indeed advancement of such utterly meritless arguments is now the basis for serious sanctions imposed on civil litigants who raise them").

Courts have also uniformly rejected claims that a taxpayer is not a person subject to tax because the taxpayer did not request, obtain, or exercise any privileges of citizenship. See, e.g., *Lovell v. United States*, 755 F.2d. 517, 519 (7th Cir. 1984) ("All individuals, natural or unnatural, must pay federal income tax on their wages, regardless of whether they received any 'privileges' from the government").

## **HOLDING**

1. The Fourteenth Amendment of the United States Constitution establishes simultaneous state and federal citizenship. Therefore, an individual cannot reject citizenship in the United States in favor of state citizenship, or otherwise claim not to be a citizen of the United States for the purpose of avoiding federal tax liability. Furthermore, income earned within a state of the United States by a United States citizen or resident is taxable under federal tax laws. Accordingly, Taxpayer A and Taxpayer B are subject to federal income tax liability because they are citizens of the United States and citizens of the state in which they reside.

2. The term "person" as used by the Internal Revenue Code includes natural persons and individuals. Moreover, a taxpayer need not request, obtain, or exercise a privilege from an agency of the government to be a "person" within the meaning of the Internal Revenue Code. Therefore, Taxpayer C and Taxpayer D are subject to federal income tax liability.

## **CIVIL AND CRIMINAL PENALTIES**

The Service will challenge the claims of individuals who improperly attempt to avoid or evade their federal tax liability. In addition to liability for the tax due plus statutory interest, taxpayers who fail to file valid returns or pay tax based on arguments that they are not citizens or persons as contemplated by the Internal Revenue Code and, thus, are not subject to federal tax face substantial civil and criminal penalties. Potentially applicable civil penalties include: (1) the section 6662 accuracy-related penalties, which are generally equal to 20 percent of the amount of tax the taxpayer should have paid; (2) the section 6663 penalty for civil fraud, which is equal to 75 percent of the amount of tax the taxpayer should have paid; (3) the section 6702(a) penalty of \$5,000 for a "frivolous tax return"; (4) the section 6702(b) penalty of \$5,000 for submitting a "specified frivolous submission"; (5) the section 6651 additions to tax for failure to file a return, failure to pay the tax owed, and fraudulent failure to file a return; (6) the section 6673 penalty of up to \$25,000 if the taxpayer makes frivolous arguments in the United States Tax Court; and (7) the section 6682 penalty of \$500 for providing false information with respect to withholding.

Taxpayers relying on these frivolous positions also may face criminal prosecution under: (1) section 7201 for attempting to evade or defeat tax, the penalty for which is a significant fine and imprisonment for up to 5 years; (2) section 7203 for willful failure to file a return, the penalty for which is a significant fine and imprisonment for up to 1 year; (3) section 7206 for making false statements on a return, statement, or other document, the penalty for which is a significant fine and imprisonment for up to 3 years or (4) other provisions of federal law.

Persons, including return preparers, who promote these frivolous positions and those who assist taxpayers in claiming tax benefits based on frivolous positions may face civil and criminal penalties and also may be enjoined by a court pursuant to sections 7407 and 7408. Potential penalties include: (1) a \$250 penalty under section 6694 for each return or claim for refund prepared by an income tax return preparer who knew or should have known that the taxpayer's position was frivolous (or \$1,000 for each return or claim for refund if the return preparer's actions were willful, intentional or reckless); (2) a penalty under section 6700 for promoting abusive tax shelters;



(3) a \$1,000 penalty under section 6701 for aiding and abetting the understatement of tax; and (4) criminal prosecution under section 7206, for which the penalty is a significant fine and imprisonment for up to 3 years, for assisting or advising about the preparation of a false return, statement or other document under the internal revenue laws.

#### **DRAFTING INFORMATION**

This revenue ruling was authored by the Office of Associate Chief Counsel (Procedure and Administration), Administrative Provisions and Judicial Practice Division. For further information regarding this revenue ruling, contact that office at (202) 622-7950 (not a toll-free call).

The subject of what is a statutory civil “person” is exhaustively analyzed in the following memorandum, and it proves that nearly all such “persons” are public officers within the government corporation. It’s pointless to repeat the content of this memorandum here, so it is incorporated by reference:

*Proof That There Is a “Straw Man”*, Form #05.042 – proves that most statutory “persons” are public officers in the government.  
<https://sedm.org/Forms/FormIndex.htm>

This Revenue Ruling also has LOTS of problems. Here are a just few, but we could go on for literally DAYS about all the problems:

1. The Revenue Ruling refuses to address the REAL audience who would read it, which is those who are non-resident to federal territory and who may lawfully PRESUME that they are PRIVATE and beyond government statutory civil jurisdiction unless and until the GOVERNMENT as the moving party satisfies the burden of proof that they CONSENTED in some way to become statutory “taxpayers” and engage in excise taxable activities subject to tax such as a “trade or business” (26 U.S.C. §7701(a)(26)) or a public office.

*“All rights and property are PRESUMED to be EXCLUSIVELY PRIVATE and beyond the control of government or the CIVIL statutory franchise codes unless and until the government meets the burden of proving, WITH EVIDENCE, on the record of the proceeding that:*

*1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.*

*2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real, de jure government, even WITH their consent.*

*3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and which is therefore NOT protected by official, judicial, or sovereign immunity.”*

2. It refuses to acknowledge HOW one can lawfully acquire a civil status in a place they are neither physically nor legally present within and refuse the status of “resident” within, such as a state national in relation to federal territory. Civil status includes “person”, “individual”, “taxpayer”, “citizen”, “resident”, “spouse”, “driver”, etc. Domicile or contract are the only method to acquire a civil status and a state national cannot be domiciled on federal territory and a constitutional state at the same time and ALSO cannot alienate an unalienable right by contracting with the national government.

§ 29. Status

**It may be laid down that the, status- or, as it is sometimes called, civil status, in contradistinction to political status - of a person depends largely, although not universally, upon domicile.** The older jurists, whose opinions are fully collected by Story I and Burge, maintained, with few exceptions, the principle of the ubiquity of status, conferred by the lex domicilii with little qualification. Lord Westbury, in *Udny v. Udny*, thus states the doctrine broadly: **“The civil status is governed by one single principle, namely, that of domicile, which is the criterion established by law for the purpose of determining civil status. For it is on this basis that the personal rights of the party - that is to say, the law which determines his majority and minority, his marriage, succession, testacy, or intestacy-must depend.”** Gray, C. J., in the late Massachusetts case of *Ross v. Ross*, speaking with special reference to capacity to inherit, says: **“It is a general principle that the status or condition of a person, the relation in which he stands to another person, and by which he is qualified or made capable to take certain**

rights in that other's property, is fixed by the law of the domicile; and that this status and capacity are to be recognized and upheld in every other State, so far as they are not inconsistent with its own laws and policy."  
[A Treatise on the Law of Domicil, National, Quasi-National, and Municipal, M.W. Jacobs, Little, Brown, and Company, 1887, p. 89]

For further details on this important subject, see:

2.1. Section 3.2 earlier.

2.2. Why Domicile and Becoming a "Taxpayer" Require Your Consent, Form #05.002, Section 11.17  
<https://sedm.org/Forms/FormIndex.htm>

2.3. Your Exclusive Right to Declare or Establish Your Civil Status, Form #13.008  
<https://sedm.org/Forms/FormIndex.htm>

3. It acknowledges the STATUTORY definition of "United States" and never asserts that it includes states of the Union, and yet REFUSES to apply those limitations to the term "citizen of the United States".<sup>123</sup> Citizenship is ALWAYS geographical and "United States" appears within the phrase "citizen of the United States". This is hypocrisy and equivocation. Judges CANNOT lawfully "legislate" by adding to this geographical definition and if they do, they are violating the separation of powers and acting as legislators. None of the court rulings they cite can add to statutory definitions and none apply to state nationals not engaged in a public office. The ability to regulate or tax exclusively PRIVATE property or PRIVATE rights has been held by the courts as repugnant to the constitution and therefore the only thing any government can CIVILLY legislate for is PUBLIC rights of public officers on official business. The statutes they are enforcing are only intended for those exercising such a public office. The statutes only apply where the constitution DOES NOT apply, which is either federal territory, abroad, or to those serving in public offices. The following memorandum establishes how this FRAUD is effected and how to prove it is deception and best and FRAUD at worst:

Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
<https://sedm.org/Forms/FormIndex.htm>

4. It implies that state nationals or state citizens are STATUTORY "individuals" when we know that you can't be a STATUTORY "individual" unless you are an "alien" present within the STATUTORY "United States" (federal territory per 26 U.S.C. §7701(a)(9) and (a)(10)) or abroad under 26 U.S.C. §911(d)(1). State nationals are NOT STATUTORY "aliens" but rather "nationals of the United States\*" per 22 C.F.R. §51.2:

26 C.F.R. 1.1441-1 Requirement for the deduction and withholding of tax on payments to foreign persons.

(c ) Definitions

(3) Individual.

(i) Alien individual.

*The term alien individual means an individual who is not a citizen or a national of the United States. See Sec. 1.1-1(c).*

(ii) Nonresident alien individual.

*The term nonresident alien individual means persons described in section 7701(b)(1)(B), alien individuals who are treated as nonresident aliens pursuant to § 301.7701(b)-7 of this chapter for purposes of computing their U.S. tax liability, or an alien individual who is a resident of Puerto Rico, Guam, the Commonwealth of Northern Mariana Islands, the U.S. Virgin Islands, or American Samoa as determined under § 301.7701(b)-1(d) of this chapter. An alien individual who has made an election under section 6013(g) or (h) to be treated as a resident of the United States is nevertheless treated as a nonresident alien individual for purposes of withholding under chapter 3 of the Code and the regulations thereunder.*

[26 C.F.R. §1.1441-1: Requirements for the deduction and withholding of tax on payments to foreign persons, Form #04.225; SOURCE: [https://sedm.org/Forms/04-Tax/2-Withholding/26CFR1.1441-1-US81303316\\_114411\\_123113-20190716.pdf](https://sedm.org/Forms/04-Tax/2-Withholding/26CFR1.1441-1-US81303316_114411_123113-20190716.pdf)]

5. It UNCONSTITUTIONALLY PRESUMES that everyone is a STATUTORY "taxpayer" and refuses to address precisely HOW one BECOMES a STATUTORY "taxpayer". American jurisprudence requires the OPPOSITE presumption, which is that you are INNOCENT until proven GUILTY with EVIDENCE rather than PRESUMPTION.

<sup>123</sup> It states: "Section 7701(a)(9) of the Internal Revenue Code states that "[t]he term 'United States' when used in a geographical sense includes only the States and the District of Columbia."

That means they must be presumed to be “nontaxpayers” until the IRS proves that they consented to become “taxpayers”. According to the Declaration of Independence, CONSENT is mandatory in ALL government civil enforcement actions or they are UNJUST. All such presumptions to the contrary are a violation of due process of law and result in CRIMINAL IDENTITY THEFT as documented in *Government Identity Theft*, Form #05.046; <https://sedm.org/Forms/FormIndex.htm>. How one BECOMES a STATUTORY “taxpayer” is the real question behind most of the statements they are trying to refute, and they simply REFUSE to deal with it, because it would hand the key to the chains that illegally bind most Americans to their feudal privileged tax system FRAUD. Even the U.S. Supreme Court has recognized the existence of those who are NOT STATUTORY “taxpayers”. See *South Carolina v. Regan*, 465 U.S. 367, 394, 104 S.Ct. 1107, 1123 (1984). If the U.S. Supreme Court can recognize “nontaxpayers”, why can’t the IRS?

*“The revenue laws are a code or system in regulation of tax assessment and collection. They relate to taxpayers, and not to nontaxpayers. The latter are without their scope. No procedure is prescribed for nontaxpayers, and no attempt is made to annul any of their rights and remedies in due course of law. With them Congress does not assume to deal, and they are neither of the subject nor of the object of the revenue laws...”*  
[Long v. Rasmussen, 281 F. 236 (1922)]

*“Revenue Laws relate to taxpayers [officers, employees, and elected officials of the Federal Government] and not to non-taxpayers [American Citizens/American Nationals not subject to the exclusive jurisdiction of the Federal Government]. The latter are without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law.”*  
[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]

The above authorities establish WHY it is reasonable to conclude that the Internal Revenue Code Subtitle A is a franchise, and that you must be engage in the taxable activity called a “public office” and a “trade or business” (26 U.S.C. §7701(a)(26)) to lawfully BECOME a statutory “taxpayer”. The REAL truth on this subject is published in the following IRS Pamphlet:

*Your Rights as a “Nontaxpayer”*, Form #08.008  
<http://sedm.org/Forms/FormIndex.htm>

6. It ignores the fact that everyone born in the country has a right to choose TWO different types of citizenship: 1. Articles of Confederation “free inhabitants”; 2. Constitutional “citizens of the United States”. The Articles of Confederation identify themselves as “perpetual” and are enacted into law on the FIRST page of the Statutes At Large. Therefore, they continue in force. One may legitimately choose to be a “free inhabitant” under the Articles INSTEAD of a “citizen of the United States” under the Fourteenth Amendment and NO one can lawfully deny them that choice without violating the First Amendment right of freedom from compelled association.
7. It conveniently overlooks the fact that even the U.S. Supreme Court has recognized that Fourteenth Amendment state citizens and STATUTORY “U.S. citizens” domiciled on federal territory are NOT equivalent. See *Rogers v. Bellei*, 401 U.S. 815 (1971), *Slaughter-House Cases*, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873):

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

More on this subject is found earlier in section 20.2.1 and:

*Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>

8. It tries to confuse the STATUTORY context and CONSTITUTIONAL context for terms, which are mutually exclusive and non-overlapping. In legal parlance, this deception is called “equivocation”. The abuse of such tactics is exhaustively proven to be a FRAUD and a deception in the following memorandum of law:

*Legal Deception, Propaganda, and Fraud*, Form #05.014, Section 15.1  
<http://sedm.org/Forms/FormIndex.htm>

9. It identifies some of its claims as “facts”, but is not signed under penalty of perjury and therefore CANNOT be a fact nor can it be admissible as evidence in any court. Only court admissible evidence compliant with the Federal Rules of Evidence can indeed be a “fact”. In REAL fact, the IRS Website says you can’t trust ANYTHING they publish, INCLUDING this bogus revenue ruling:

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

Furthermore, anyone who only deals with "general information" as indicated above is a DECEIVER according to maxims of law on the subject. They could avoid dealing with "general information" by distinguishing the CONSTITUTIONAL and the STATUTORY context for terms, but in practice, they ABSOLUTELY REFUSE TO DEAL WITH IT because it would expose what they are doing as the CRIME that it is and open them to criminal liability:

"Dolus versatur generalibus. **A deceiver deals in generals.** 2 Co. 34."

"Fraus latet in generalibus. **Fraud lies hid in general expressions.**"

Generale nihil certum implicat. **A general expression implies nothing certain.** 2 Co. 34.

Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. **Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right.** 10 Co. 78. [Bouvier's Maxims of Law, 1856]

10. It illegally and fraudulently threatens penalties against ALL readers of their propaganda, but REFUSES to acknowledge the limits placed by the I.R.C. on who the proper audience for those penalties is, found in 26 U.S.C. §6671(b), which is an officer or employee of a corporation or a partnership, which partnership can ONLY be between an otherwise PRIVATE party and the federal government:

TITLE 26 > Subtitle F > CHAPTER 68 > Subchapter B > PART I > § 6671  
§ 6671. Rules for application of assessable penalties

**(b) Person defined**

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

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

We emphasize that the very ESSENCE of communism as legally defined is an absolute refusal to acknowledge or heed the limitations of statutes such as the above upon the behavior of public servants:

TITLE 50 > CHAPTER 23 > SUBCHAPTER IV > Sec. 841.  
Sec. 841. – Findings and declarations of fact

The Congress finds and declares that the Communist Party of the United States [consisting of the IRS, DOJ, and a corrupted federal judiciary], although purportedly a political party, is in fact an instrumentality of a conspiracy to overthrow the [de jure] Government of the United States [and replace it with a de facto government ruled by the judiciary]. It constitutes an **authoritarian dictatorship** [IRS, DOJ, and corrupted federal judiciary in collusion] within a [constitutional] republic, demanding for itself the rights and [FRANCHISE] privileges [including immunity from prosecution for their wrongdoing in violation of Article I, Section 9, Clause 8 of the Constitution] accorded to political parties, but **denying to all others the liberties [Bill of Rights] guaranteed by the Constitution [Form #10.002]**. Unlike political parties, which evolve their policies and programs through public means, by the reconciliation of a wide variety of individual views, and submit those policies and programs to the electorate at large for approval or disapproval, the policies and programs of the Communist Party are secretly [by corrupt judges and the IRS in complete disregard of, Form #05.014, the tax franchise "codes", Form #05.001] prescribed for it by the foreign leaders of the world Communist movement [the IRS and Federal Reserve]. Its members [the Congress, which was terrorized to do IRS bidding by the framing of Congressman Traficant] have no part in determining its goals, and are not permitted to voice dissent to party objectives. Unlike members of political parties, members of the Communist Party are recruited for indoctrination [in the public FOOL system by homosexuals, liberals, and socialists] with respect to its objectives and methods, and are organized, instructed, and disciplined [by the IRS and a corrupted judiciary] to carry into action slavishly the assignments given them by their hierarchical chieftains. **Unlike political parties, the Communist Party [thanks**

1 to a corrupted federal judiciary] acknowledges no constitutional or statutory limitations upon its conduct or upon  
2 that of its members [ANARCHISTS!, Form #08.020]. The Communist Party is relatively small numerically, and  
3 gives scant indication of capacity ever to attain its ends by lawful political means. The peril inherent in its  
4 operation arises not from its numbers, but from its failure to acknowledge any limitation as to the nature of its  
5 activities, and its dedication to the proposition that the present constitutional Government of the United States  
6 ultimately must be brought to ruin by any available means, including resort to force and violence [or using  
7 income taxes]. Holding that doctrine, its role as the agency of a hostile foreign power [the Federal Reserve  
8 and the American Bar Association (ABA)] renders its existence a clear present and continuing danger to the  
9 security of the United States. It is the means whereby individuals are seduced [illegally KIDNAPPED via  
10 identity theft!, Form #05.046] into the service of the world Communist movement [using FALSE information  
11 returns and other PERJURIOUS government forms, Form #04.001], trained to do its bidding [by FALSE  
12 government publications and statements that the government is not accountable for the accuracy of, Form  
13 #05.007], and directed and controlled [using FRANCHISES illegally enforced upon NONRESIDENTS, Form  
14 #05.030] in the conspiratorial performance of their revolutionary services. Therefore, the Communist Party  
15 should be outlawed

16 For an exhaustive analysis of why they can only penalize their own officers and employees and not PRIVATE people  
17 or nonresidents, see:

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

- 18 11. It identifies that which is being paid to the IRS as a “tax”, even though the U.S. Supreme Court has held that it is NOT  
19 a “tax” if it is paid to PRIVATE parties such as human beings.

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

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

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

34 The only way out of this conundrum is to acknowledge that ALL “taxpayers” are in fact PUBLIC OFFICERS in the  
35 government and that tax refunds are paid to OFFICES, rather than the private human beings filling said office. See:

36 11.1. Why Your Government is Either a Thief or You are a “Public Officer” for Income Tax Purposes, Form #05.008  
37 <https://sedm.org/Forms/FormIndex.htm>

38 11.2. Proof That There Is a “Straw Man”, Form #05.042  
39 <https://sedm.org/Forms/FormIndex.htm>

- 40 12. The ruling cites federal district court authorities that have NO BEARING upon state citizens, according to the Ninth  
41 and Tenth Amendment. The only exception to this rule is if federal property is involved, such as CIVIL  
42 FRANCHISES under Article 4, Section 3, Clause 2. But the IRS denies this possibility in the Revenue Ruling by  
43 falsely stating that the parties are not “privileged” or that being a “taxpayer” DOESN’T involve privilege:

44 “Taxpayer C claims not to be a United States citizen or a person subject to tax because Taxpayer C **has not**  
45 **requested, obtained, or exercised any privilege from an agency of government.**”

46 [ . . . ]

47 Courts have also uniformly rejected claims that a taxpayer is not a person subject to tax because the taxpayer  
48 did not request, obtain, or exercise any privileges of citizenship. See, e.g., Lovell v. United States, 755 F.2d.  
49 517, 519 (7th Cir. 1984) (“All individuals, natural or unnatural, must pay federal income tax on their wages,  
50 regardless of whether they received any ‘privileges’ from the government”).



“Privileges” is in fact are involved, and they are: 1. STATUTORY “U.S. citizen” domiciled on federal territory; 2. A “trade or business” under 26 U.S.C. §7701(a)(26). The FRAUD of denying the existence of such a privilege to make the Subtitle A income tax falsely “appear” to apply to everyone is documented in the following:

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

If being a CIVIL “U.S. citizen” upon whom the tax is “imposed” in 26 U.S.C. §1 WAS NOT a “privilege”, answer the following questions:

12.1. Why is POLITICAL “U.S. citizen” civil status under 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) identified as a “privilege”?

**“Finally, this Court is mindful of the years of past practice in which territorial citizenship has been treated as a statutory [PRIVILEGE!], and not a constitutional, right. In the unincorporated territories of Puerto Rico, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands, birthright citizenship was conferred upon their inhabitants by various statutes many years after the United States acquired them. See *Amicus Br. at 10-11. If the Citizenship Clause guaranteed birthright citizenship in unincorporated territories, these statutes would have been unnecessary. While longstanding practice is not sufficient to demonstrate constitutionality, such a practice requires special scrutiny before being set aside.* See, e.g., *Jackman v. Rosenbaum Co.*, 260 U.S. 22, 31 (1922) (Holmes, J.) (“If a thing has been practiced for two hundred years by common consent, it will need a strong case for the Fourteenth Amendment to affect it[.]”); *Walz v. Tax Comm’n*, 397 U.S. 664, 678 (1970) (“It is obviously correct that no one acquires a vested or protected right in violation of the Constitution by long use . . . Yet an unbroken practice . . . is not something to be lightly cast aside.”). And while Congress cannot take away the citizenship of individuals covered by the Citizenship Clause, it can bestow citizenship upon those not within the Constitution’s breadth. See U.S. Const. art. IV, § 3, cl. 2 (“Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory belonging to the United States[\*\*]”); id. at art. I, § 8, cl. 4 (Congress may “establish a uniform Rule of Naturalization . . .”). To date, Congress has not seen fit to bestow birthright citizenship upon American Samoa, and in accordance with the law, this Court must and will respect that choice.<sup>16</sup>”**  
[*Tuaua v. U.S.A.*, 951 F.Supp.2d. 88 (2013)]

12.2. Why did the courts say the following in RELATION to such a “privilege”?

*“Unless the defendant can prove he is **not** a [STATUTORY] citizen of the United States\*\* [under 8 U.S.C. §1401 and NOT the constitution citizen], the IRS has the right to inquire and determine a tax liability.”*  
[*U.S. v. Slater*, 545 Fed.Supp. 179,182 (1982).]

12.3. Why is the I.R.C. Subtitle A income tax imposed on those with the CIVIL STATUS of “citizen” and who are therefore EXERCISING such a privilege in 26 U.S.C. §1 if it applies to those who ARE NOT exercising “privileges” as the Revenue Ruling alleges?

13. It uses the phrase “law and analysis” but the Internal Revenue Code, Title 26 is only PRIMA FACIE evidence, according to 1 U.S.C. §204 legislative notes. Therefore it is nothing but a huge unconstitutional statutory presumption that itself violates due process. It is not “law” because it does not apply equally to EVERYONE REGARDLESS OF THEIR CONSENT, but only to “public office” franchisees.<sup>124</sup> It is “special law” or “private law” that applies to those who individually consent to BECOME public officers. That which is “prima facie evidence” is a presumption, and all presumptions violate due process of law.

**“Prima facie. Lat. At first sight on the first appearance; on the face of it; so far as can be judged from the first disclosure; **presumably; a fact presumed to be true unless disproved by some evidence to the contrary.** State ex rel. *Herbert v. Whims*, 68 Ohio.App. 39, 38 N.E.2d. 596, 499, 22 O.O. 110. See also *Presumption.*”**  
[*Black’s Law Dictionary*, Sixth Edition, p. 1189]

It is an unconstitutional act in violation of the separation of powers for a judge to impute the “force of law” to such a presumption, because judges are not legislators. Here is what the architect of our present three branch system of government said on this important subject of judges becoming legislators and at the same time acting as Executive Branch employees in administering “trade or business” franchises under Article IV rather than Article III.

**“When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws, to execute them in a tyrannical manner.”**

<sup>124</sup> For more information on what constitutes “law” as legally defined, see: What is “law”?, Form #05.048; <https://sedm.org/Forms/FormIndex.htm>.

1 Again, there is no liberty, if the judiciary power be not separated from the legislative and executive. Were it  
2 joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge  
3 would be then the legislator. Were it joined to the executive power, the judge might behave with violence and  
4 oppression [sound familiar?].

5 There would be an end of everything, were the same man or the same body, whether of the nobles or of the  
6 people, to exercise those three powers, that of enacting laws, that of executing the public resolutions, and of  
7 trying the causes of individuals."

8 [. . .]

9 In what a situation must the poor subject be in those republics! The same body of magistrates are possessed,  
10 as executors of the laws, of the whole power they have given themselves in quality of legislators. They may  
11 plunder the state by their general determinations; and as they have likewise the judiciary power in their hands,  
12 every private citizen may be ruined by their particular decisions."

13 [The Spirit of Laws, Charles de Montesquieu, Book XI, Section 6, 1758;

14 SOURCE: [http://famguardian.org/Publications/SpiritOfLaws/sol\\_11.htm](http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm)]

15 Under the concept of equal protection and equal treatment, all people have an EQUAL right to PRESUME the  
16 opposite, which is that they and their property are EXCLUSIVELY private and therefore beyond the legislative control  
17 of Congress unless and until the IRS a moving party asserting a liability meets the burden of proving that:  
18 a. They EXPRESSLY consented to convert that property to PUBLIC property subject to taxation and regulation; b.  
19 They had the legal capacity to consent because domiciled and present in a place where their rights were unalienable,  
20 such as federal territory. The moving party asserting a tax liability, which is the I.R.S., ALWAYS has the burden of  
21 proof and it is clearly prejudicial to put ordinary Americans in the untenable position of proving a NEGATIVE, which  
22 is that they ARE NOT STATUTORY "taxpayers" or are NOT liable:

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

26 1. A SPECIFIC formerly PRIVATE owner consented IN WRITING to convert said property to PUBLIC property.

27 2. The owner was either abroad, domiciled on, or at least PRESENT on federal territory NOT protected by the  
28 Constitution and therefore had the legal capacity to ALIENATE a Constitutional right or relieve a public servant  
29 of the fiduciary obligation to respect and protect the right. Those physically present but not necessarily domiciled  
30 in a constitutional but not statutory state protected by the constitution cannot lawfully alienate rights to a real,  
31 de jure government, even WITH their consent.

32 3. If the government refuses to meet the above burden of proof, it shall be CONCLUSIVELY PRESUMED to be  
33 operating in a PRIVATE, corporate capacity on an EQUAL footing with every other private corporation and  
34 which is therefore NOT protected by official, judicial, or sovereign immunity."

35 For more information on this subject see Flawed Tax Arguments to Avoid, Form #08.004, Section 10.18.

36 In conclusion, all the fraudsters at the IRS want to do is play "word games" to deceive you and make you appear like a  
37 "taxpayer" when you are not in fact one. Former IRS Commissioner Shelton Cohen admitted as much in an interview with  
38 Aaron Russo:

Interview of Former IRS Commissioner Shelton Cohen by Aaron Russo, SEDM Exhibit #11.004  
<https://sedm.org/Exhibits/ExhibitIndex.htm>

39 Shelton Cohen, by the way, was the quintessential Pharisee Jew, which is why he wanted to be commissioner: so he would  
40 be intimately involved in DECEIVING people to pay money they didn't owe in the largest FRAUD in history.<sup>125</sup> Even U.S.  
41 Supreme Court Justice Scalia (now deceased) admitted the same. Watch Exhibits #03.005 and 11.006 in the above link. For  
42 an exhaustive treatment on all the ways that corrupt covetous Pharisee lawyers abuse words to deceive and commit criminal  
43 identity theft, see the following:

44 1. Legal Deception, Propaganda, and Fraud, Form #05.014  
45 <https://sedm.org/Forms/FormIndex.htm>

<sup>125</sup> See: Who Were the Pharisees and Saducees?, Form #05.047; <https://sedm.org/Forms/FormIndex.htm>.

2. Foundations of Freedom Course, Form #12.021, Video 4: Willful Government Deception and Propaganda  
<https://sedm.org/Forms/FormIndex.htm>

Additional information on the subject of this section can be found in Flawed Tax Arguments to Avoid, Form #08.004, Section 10.18.

### **20.3 Freedom Advocate Flawed Arguments**

#### **20.3.1 Misconceptions about “privileges and immunities” under the Fourteenth Amendment**

Many misinformed freedom lovers misinterpret the phrase "privileges and immunities" found in the Fourteenth Amendment as an excuse to say that:

1. Those who claim to be "citizens" under the amendment are availing themselves of a franchise privilege and thereby become subject to federal law.
2. Because they are availing themselves of a franchise privilege, then they have implicitly surrendered the protections of the Constitution for their natural rights.

We strongly DISAGREE.

The following U.S. Supreme Court case identifies the extent and nature of this so-called "privilege", and SPECIFICALLY WHO it is a privilege FOR. It ISN'T a privilege for constitutional citizens, but for FOREIGN nationals and CONSTITUTIONAL aliens, according to the U.S. Supreme Court. The "privilege" is associated ONLY with the process of "naturalization" and NOT with rights imputed AFTER naturalization to the person as a CONSTITUTIONAL citizen.

*"The opportunity to become a citizen of the United States is said to be merely a privilege, and not a right. It is true that the Constitution does not confer upon aliens the right to naturalization. But it authorizes Congress to establish a uniform rule therefor. Article I, §8, cl. 4. The opportunity having been conferred by the Naturalization Act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate. See United States v. Shanahan (D. C.) 232 F. 169, 171. There is, of course, no 'right to naturalization unless all statutory requirements are complied with.' United States v. Ginsberg, 37 S.Ct. 422, 243 U.S. 472, 475 (61 L.Ed. 853); Luria v. United States, 34 S.Ct. 10, 231 U.S. 9, 22 58 L.Ed. 101. The applicant for citizenship, like other suitors who institute proceedings in a court of justice to secure the determination of an asserted right, must allege in his petition the fulfillment of all conditions upon the existence of which the alleged right is made dependent, and he must establish these allegations by competent evidence to the satisfaction of the court. In re Bodek (C. C.) 63 F. 813, 814, 815; In re \_\_\_\_\_, 7 Hill (N. Y.) 137. In passing upon the application the court exercises judicial judgment. It does not confer or withhold a favor."*

[Tutun v. United States, 270 U.S. 568 (1926)]

SOURCE:

[http://scholar.google.com/scholar\\_case?case=8292236307895948943&q=270+U.S.%3E+568&hl=en&as\\_sdt=4,60](http://scholar.google.com/scholar_case?case=8292236307895948943&q=270+U.S.%3E+568&hl=en&as_sdt=4,60)

AFTER becoming a constitutional citizen through the CONSTITUTIONAL naturalization process, the rights attached to the status of constitutional "citizen" are no longer PRIVILEGES, but RIGHTS. They are rights because the citizenship itself CANNOT be unilaterally terminated without the CONSENT of the citizen. Privileges are revocable, while RIGHTS are not. Hence, misinformed freedom advocates who don't understand constitutional law misunderstand what the word "privileges" means in the Fourteenth Amendment.

*"In the United States the people are sovereign, and the government cannot sever its relationship to the people by taking away their [CONSTITUTIONAL] citizenship."*  
[Afroyim v. Rusk, 387 U.S. 253 (1967)]

The U.S. Supreme Court furthermore defined “privileges and immunities” in the Fourteenth Amendment as excluding any public benefit or franchise from the meaning of “privileges and immunities” for those who are “citizens of the United States[\*\*\*]”, meaning that the phrase has nothing to do with congressionally granted statutory franchises:

*Thomas, J., dissenting*

*Justice Thomas, with whom the Chief Justice joins, dissenting.*

I join The Chief Justice's dissent. I write separately to address the majority's conclusion that California has violated "the right of the newly arrived citizen to the same privileges and immunities enjoyed by other citizens of the same State." Ante, at 12. In my view, the majority attributes a meaning to the Privileges or Immunities Clause that likely was unintended when the Fourteenth Amendment was enacted and ratified.

The Privileges or Immunities Clause of the Fourteenth Amendment provides that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." U.S. Const., Amdt. 14, §1. Unlike the Equal Protection and Due Process Clauses, which have assumed near-talismanic status in modern constitutional law, the Court all but read the Privileges or Immunities Clause out of the Constitution in the Slaughter-House Cases, 16 Wall. 36 (1873). There, the Court held that the State of Louisiana had not abridged the Privileges or Immunities Clause by granting a partial monopoly of the slaughtering business to one company. *Id.*, at 59-63, 66. The Court reasoned that the Privileges or Immunities Clause was not intended "as a protection to the citizen of a State against the legislative power of his own State." *Id.*, at 74. Rather the "privileges or immunities of citizens" guaranteed by the Fourteenth Amendment were limited to those "belonging to a citizen of the United States as such." *Id.*, at 75. The Court declined to specify the privileges or immunities that fell into this latter category, but it made clear that few did. See *id.*, at 76 (stating that "nearly every civil right for the establishment and protection of which organized government is instituted," including "those rights which are fundamental," are not protected by the Clause).

Unlike the majority, I would look to history to ascertain the original meaning of the Clause.<sup>1</sup> At least in American law, the phrase (or its close approximation) appears to stem from the 1606 Charter of Virginia, which provided that "all and every the Persons being our Subjects, which shall dwell and inhabit within every or any of the said several Colonies shall HAVE and enjoy all Liberties, Franchises, and Immunities as if they had been abiding and born, within this our Realm of England."

7 Federal and State Constitutions, Colonial Charters and Other Organic Laws 3788 (F. Thorpe ed. 1909). Other colonial charters contained similar guarantees.<sup>2</sup> Years later, as tensions between England and the American Colonies increased, the colonists adopted resolutions reasserting their entitlement to the privileges or immunities of English citizenship.<sup>3</sup>

The colonists' repeated assertions that they maintained the rights, privileges and immunities of persons "born within the realm of England" and "natural born" persons suggests that, at the time of the founding, the terms "privileges" and "immunities" (and their counterparts) were understood to refer to those fundamental rights and liberties specifically enjoyed by English citizens, and more broadly, by all persons. Presumably members of the Second Continental Congress so understood these terms when they employed them in the Articles of Confederation, which guaranteed that "the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States." Art. IV. The Constitution, which superseded the Articles of Confederation, similarly guarantees that "[t]he Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." Art. IV, §2, cl. 1.

Justice Bushrod Washington's landmark opinion in *Corfield v. Coryell*, 6 Fed.Cas. 546 (No. 3, 230) (CCED Pa. 1825), reflects this historical understanding. In *Corfield*, a citizen of Pennsylvania challenged a New Jersey law that prohibited any person who was not an "actual inhabitant and resident" of New Jersey from harvesting oysters from New Jersey waters. *Id.*, at 550. Justice Washington, sitting as Circuit Justice, rejected the argument that the New Jersey law violated Article IV's Privileges and Immunities Clause. He reasoned, "we cannot accede to the proposition that, under this provision of the constitution, the citizens of the several states are permitted to participate in all the rights which belong exclusively to the citizens of any other particular state, merely upon the ground that they are enjoyed by those citizens." *Id.*, at 552. Instead, Washington concluded:

We feel no hesitation in confining these expressions to those privileges and immunities which are, in their nature, fundamental; which belong, of right, to the citizens of all free governments; and which have, at all times, been enjoyed by the citizens of the several states which compose this Union, from the time of their becoming free, independent, and sovereign. What these fundamental principles are, it would perhaps be more tedious than difficult to enumerate. They may, however, be all comprehended under the following general heads: Protection by the government; the enjoyment of life and liberty, with the right to acquire and possess property of every kind, and to pursue and obtain happiness and safety; subject nevertheless to such restraints as the government may justly prescribe for the general good of the whole. The right of a citizen of one state to pass through, or to reside in any other state, for purposes of trade, agriculture, professional pursuits, or otherwise; to claim the benefit of the writ of habeas corpus; to institute and maintain actions of any kind in the courts of the state; and an exemption from higher taxes or impositions than are paid by the other citizens of the state; the elective franchise, as regulated and established by the laws or constitution of the state in which it is to be exercised. These, and many others which might be mentioned, are, strictly speaking, privileges and immunities." *Id.* at 551-552.

Washington rejected the proposition that the Privileges and Immunities Clause guaranteed equal access to all public benefits (such as the right to harvest oysters in public waters) that a State chooses to make available. Instead, he endorsed the colonial-era conception of the terms "privileges" and "immunities," concluding that Article IV encompassed only fundamental rights that belong to all citizens of the United States.<sup>4</sup> *Id.*, at 552.



Justice Washington's opinion in *Corfield* indisputably influenced the Members of Congress who enacted the Fourteenth Amendment. When Congress gathered to debate the Fourteenth Amendment, members frequently, if not as a matter of course, appealed to *Corfield*, arguing that the Amendment was necessary to guarantee the fundamental rights that Justice Washington identified in his opinion. See Harrison, *Reconstructing the Privileges or Immunities Clause*, 101 *Yale L. J.* 1385, 1418 (1992) (referring to a Member's "obligatory quotation from *Corfield*"). For just one example, in a speech introducing the Amendment to the Senate, Senator Howard explained the Privileges or Immunities Clause by quoting at length from *Corfield*.<sup>5</sup> *Cong. Globe*, 39th Cong., 1st Sess., 2765 (1866). Furthermore, it appears that no Member of Congress refuted the notion that Washington's analysis in *Corfield* undergirded the meaning of the Privileges or Immunities Clause.<sup>6</sup>

**That Members of the 39th Congress appear to have endorsed the wisdom of Justice Washington's opinion does not, standing alone, provide dispositive insight into their understanding of the Fourteenth Amendment's Privileges or Immunities Clause. Nevertheless, their repeated references to the *Corfield* decision, combined with what appears to be the historical understanding of the Clause's operative terms, supports the inference that, at the time the Fourteenth Amendment was adopted, people understood that "privileges or immunities of citizens" were fundamental rights, rather than every public benefit established by positive law. Accordingly, the majority's conclusion that a State violates the Privileges or Immunities Clause when it "discriminates" against citizens who have been domiciled in the State for less than a year in the distribution of welfare benefit appears contrary to the original understanding and is dubious at best.**

As The Chief Justice points out, ante at 1, it comes as quite a surprise that the majority relies on the Privileges or Immunities Clause at all in this case. That is because, as I have explained supra, at 1 2, *The Slaughter-House Cases* sapped the Clause of any meaning. Although the majority appears to breathe new life into the Clause today, it fails to address its historical underpinnings or its place in our constitutional jurisprudence. Because I believe that the demise of the Privileges or Immunities Clause has contributed in no small part to the current disarray of our Fourteenth Amendment jurisprudence, I would be open to reevaluating its meaning in an appropriate case. Before invoking the Clause, however, we should endeavor to understand what the framers of the Fourteenth Amendment thought that it meant. We should also consider whether the Clause should displace, rather than augment, portions of our equal protection and substantive due process jurisprudence. The majority's failure to consider these important questions raises the specter that the Privileges or Immunities Clause will become yet another convenient tool for inventing new rights, limited solely by the "predilections of those who happen at the time to be Members of this Court." *Moore v. East Cleveland*, 431 U.S. 494, 502 (1977).

I respectfully dissent.

#### Notes

1. Legal scholars agree on little beyond the conclusion that the Clause does not mean what the Court said it meant in 1873. See, e.g., Harrison, *Reconstructing the Privileges or Immunities Clause*, 101 *Yale L. J.* 1385, 1418 (1992) (Clause is an antidiscrimination provision); D. Currie, *The Constitution in the Supreme Court* 341 351 (1985) (same); 2 W. Crosskey, *Politics and the Constitution in the History of the United States* 1089 1095 (1953) (Clause incorporates first eight Amendments of the Bill of Rights); M. Curtis, *No State Shall Abridge* 100 (1986) (Clause protects the rights included in the Bill of Rights as well as other fundamental rights); B. Siegan, *Supreme Court's Constitution* 46 71 (1987) (Clause guarantees Lockean conception of natural rights); Ackerman, *Constitutional Politics/Constitutional Law*, 99 *Yale L. J.* 453, 521 536 (1989) (same); J. Ely, *Democracy and Distrust* 28 (1980) (Clause "was a delegation to future constitutional decision-makers to protect certain rights that the document neither lists or in any specific way gives directions for finding"); R. Berger, *Government by Judiciary* 30 (2d ed. 1997) (Clause forbids race discrimination with respect to rights listed in the Civil Rights Act of 1866); R. Bork, *The Tempting of America* 166 (1990) (Clause is inscrutable and should be treated as if it had been obliterated by an ink blot).

2. See 1620 Charter of New England, in 3 Thorpe, at 1839 (guaranteeing "[l]iberties, and ffranchizes, and Immunities of free Denizens and naturall Subjects"); 1622 Charter of Connecticut, reprinted in 1 id., at 553 (guaranteeing "[l]iberties and Immunities of free and natural Subjects"); 1629 Charter of the Massachusetts Bay Colony, in 3 id., at 1857 (guaranteeing the "liberties and Immunities of free and naturall subjects"); 1632 Charter of Maine, in 3 id., at 1635 (guaranteeing "[l]iberties[,] Franchises and Immunityes of or belonging to any of the naturall borne subjects"); 1632 Charter of Maryland, in 3 id., at 1682 (guaranteeing "Privileges, Franchises and Liberties"); 1663 Charter of Carolina, in 5 id., at 2747 (holding "liberties, franchises, and privileges" inviolate); 1663 Charter of the Rhode Island and Providence Plantations, in 6 id., at 3220 (guaranteeing "libertyes and immunityes of ffree and naturall subjects"); 1732 Charter of Georgia, in 2 id., at 773 (guaranteeing "liberties, franchises and immunities of free denizens and natural born subjects").

3. See, e.g., *The Massachusetts Resolves*, in *Prologue to Revolution: Sources and Documents on the Stamp Act Crisis* 56 (E. Morgan ed. 1959) ("Resolved, That there are certain essential Rights of the British Constitution of Government, which are founded in the Law of God and Nature, and are the common Rights of Mankind Therefore, Resolved that no Man can justly take the Property of another without his Consent . . . this inherent Right, together with all other essential Rights, Liberties, Privileges and Immunities of the People of Great Britain have been fully confirmed to them by Magna Charta"); *The Virginia Resolves*, id., at 47 48 ("[T]he Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of England"); 1774 *Statement of Violation of*



Rights, 1 Journals of the Continental Congress 68 (1904) ("[O]ur ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects, within the realm of England Resolved [t]hat by such emigration they by no means forfeited, surrendered or lost any of those rights").

4. During the first half of the 19th century, a number of legal scholars and state courts endorsed Washington's conclusion that the Clause protected only fundamental rights. See, e.g., *Campbell v. Morris*, 3 Harr. & M. 535, 554 (Md. 1797) (Chase, J.) (Clause protects property and personal rights); *Douglass v. Stephens*, 1 Del.Ch. 465, 470 (1821) (Clause protects the "absolute rights" that "all men by nature have"); 2 J. Kent, *Commentaries on American Law* 71-72 (1836) (Clause "confined to those [rights] which were, in their nature, fundamental"). See generally Antieau, *Paul's Perverted Privileges or the True Meaning of the Privileges and Immunities Clause of Article Four*, 9 Wm. & Mary L.Rev. 1, 18-21 (1967) (collecting sources).

5. He also observed that, while, Supreme Court had not "undertaken to define either the nature or extent of the privileges and immunities," Washington's opinion gave "some intimation of what probably will be the opinion of the judiciary." *Cong. Globe*, 39th Cong., 1st Sess., 2765 (1866).

6. During debates on the Civil Rights Act of 1866, Members of Congress also repeatedly invoked *Corfield* to support the legislation. See generally, Siegan, *Supreme Court's Constitution*, at 46-56. The Act's sponsor, Senator Trumble, quoting from *Corfield*, explained that the legislation protected the "fundamental rights belonging to every man as a free man, and which under the Constitution as it now exists we have a right to protect every man in." *Cong. Globe*, supra, at 476. The Civil Rights Act is widely regarded as the precursor to the Fourteenth Amendment. See, e.g., J. tenBroek, *Equal Under Law* 201 (rev. ed. 1965) ("The one point upon which historians of the Fourteenth Amendment agree, and, indeed, which the evidence places beyond cavil, is that the Fourteenth Amendment was designed to place the constitutionality of the Freedmen's Bureau and civil rights bills, particularly the latter, beyond doubt").  
[*Saenz v. Roe*, 526 U.S. 489, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]

Below is another example that emphasizes this point. They in effect state that the Bill of Rights is not a "privilege" incident to constitutional or Fourteenth Amendment citizenship. The Bill of Rights protects EVERYONE, not merely those who are privileged "citizens":

**U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002**

**"All privileges granted to citizen by Amnds 1 to 10 against infringement by federal government HAVE NOT been absorbed by this amendment as privileges incident to citizenship of the United States and by this clause protected against infringement by the states."** *Watkins v. Oaklawn Jockey Club*, D.C.Ark.1949, 86 F.Supp. 1006, affirmed 183 F.2d. 440.

"Rights claimed under Amends. 1 to 8, adopted as restrictions of the powers of the national government, ARE NOT protected by this clause." *Maxwell v. Dow*, *Utah* 1900, 20 S.Ct. 448, 176 U.S. 601, 44 L.Ed. 597."

"Although it has been vigorously asserted that the rights specified in the Amends. 1 to 8 are among the privileges and immunities protected by this clause, and although this view has been defended by many distinguished jurists, including several justices of the federal Supreme Court, that [this] court holds otherwise and asserts that it is the character of the right claimed, whether specified as above or not, that is controlling." *State v. Felch*, 1918, 105 A. 23, 92 Vt. 477  
[*U.S. Code, Annotated, Fourteenth Amendment, Westlaw, 2002*]

The other important thing to take away from this analysis is that Congress has statutes that DO, in fact, revoke citizenship, and THAT citizenship is POLITICAL citizenship.

8 U.S.C. §1481 - Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions

(a) A person **who is a national of the United States** whether by birth or naturalization, **shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality—**

(1) obtaining naturalization in a foreign state upon his own application or upon an application filed by a duly authorized agent, after having attained the age of eighteen years; or

(2) taking an oath or making an affirmation or other formal declaration of allegiance to a foreign state or a political subdivision thereof, after having attained the age of eighteen years; or

(3) entering, or serving in, the armed forces of a foreign state if

(A) such armed forces are engaged in hostilities against the United States, or  
(B) such persons serve as a commissioned or non-commissioned officer; or

(4)

(A) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years if he has or acquires the nationality of such foreign state; or

(B) accepting, serving in, or performing the duties of any office, post, or employment under the government of a foreign state or a political subdivision thereof, after attaining the age of eighteen years for which office, post, or employment an oath, affirmation, or declaration of allegiance is required; or

(5) making a formal renunciation of nationality before a diplomatic or consular officer of the United States in a foreign state, in such form as may be prescribed by the Secretary of State; or

(6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense; or

(7) committing any act of treason against, or attempting by force to overthrow, or bearing arms against, the United States, violating or conspiring to violate any of the provisions of section 2383 of title 18, or willfully performing any act in violation of section 2385 of title 18, or violating section 2384 of title 18 by engaging in a conspiracy to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, if and when he is convicted thereof by a court martial or by a court of competent jurisdiction.

(b) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily.

[SOURCE: <http://www.law.cornell.edu/uscode/text/8/1481>]

Note ALSO WHO the above provisions are targeted AT:

"(a) A person who is a national of the United States "

Note that:

1. The "national of the United States[\*\*]" they are talking about is the human being found in:
  - 1.1. 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A).
  - 1.2. 8 U.S.C. §1408 (American Samoa or Swain's Island) and 8 U.S.C. §1101(a)(22)(B).
2. People in states of the Union are CONSTITUTIONAL "nationals of the United States\*\*\* OF AMERICA" as described in Perkins v. Elg, 307 U.S. 325 (1939). This is also verified in 22 U.S.C. §212 and 22 C.F.R. §51.2, which says that a passport cannot be issued without the applicant being a "national of the United States\*\*\*".
3. The U.S. Supreme Court held that the government cannot unilaterally terminate their POLITICAL citizenship. Afroyim v. Rusk, 387 U.S. 253 (1967). Hence, the "national of the United States\*\*" they are referring to above does not include state citizens or state nationals.

Note that the above statutory provisions for LOSING nationality:

1. Existed BEFORE the Afroyim case indicated above.
2. Were not CHANGED by the Afroyim holding, and therefore did not pertain to constitutional citizens.
3. Have as a PREREQUISITE the following requirement: "with the intention of relinquishing United States nationality—". No one but YOU can determine your intention, and THEY have the burden of proving that the acts specified above WERE ACCOMPANIED by the EXPRESSLY MANIFEST INTENTION indicated and that YOU specified that intention.

The type of citizenship that is LOST by 8 U.S.C. §1481 is PRIVILEGED POLITICAL citizenship granted by statute. Here is why, from a case dealing with such loss:

1 **"The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei**  
2 **[an 8 U.S.C. §1401 STATUTORY citizen].** The Court first notes that Afroyim was essentially a case construing  
3 the Citizenship Clause of the Fourteenth Amendment. Since the Citizenship Clause declares that: 'All persons  
4 born or naturalized in the United States \* \* \* are citizens of the United States \* \* \*,' the Court reasons that the  
5 protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only  
6 those 'born or naturalized in the United States.' Afroyim, the argument runs, was naturalized in this country so  
7 he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy  
8 as a foreignborn child of an American citizen, was neither born nor naturalized in the United States and, hence,  
9 falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this  
10 a generous reading of the great purposes the Fourteenth Amendment was adopted to bring about. **While**  
11 **conceding that Bellei is an American citizen,** the majority states: 'He simply is not a Fourteenth-Amendment-  
12 first-sentence citizen.' Therefore, the majority reasons, the congressional revocation of his citizenship is not  
13 barred by the Constitution. **I cannot accept the Court's conclusion that the Fourteenth Amendment protects**  
14 **the citizenship of some Americans and not others.** [ . . . ]

15 **The Court today puts aside the Fourteenth Amendment as a standard by which to measure congressional**  
16 **action with respect to citizenship, and substitutes in its place the majority's own vague notions of 'fairness.'**  
17 **The majority takes a new step with the recurring theme that the test of constitutionality is the Court's own view**  
18 **of what is 'fair, reasonable, and right.'** Despite the concession that Bellei was admittedly an American citizen,  
19 **and despite the holding in Afroyim that the Fourteenth Amendment has put citizenship, once conferred, beyond**  
20 **the power of Congress to revoke, the majority today upholds the revocation of Bellei's citizenship on the ground**  
21 **that the congressional action was not 'irrational or arbitrary or unfair.'** The majority applies the 'shock-the-  
22 conscience' test to uphold, rather than strike, a federal statute. **It is a dangerous concept of constitutional law**  
23 **that allows the majority to conclude that, because it cannot say the statute is 'irrational or arbitrary or unfair,'**  
24 **the statute must be constitutional.**

25 [ . . . ]

26 Since the Court this Term has already downgraded citizens receiving public welfare, Wyman v. James, 400 U.S.  
27 309, 91 S.Ct. 381, 27 L.Ed.2d. 408 (1971), and citizens having the misfortune to be illegitimate, Labine v. Vincent,  
28 401 U.S. 532, 91 S.Ct. 1917, 28 L.Ed.2d. 288, I suppose today's decision downgrading citizens born outside the  
29 United States should have been expected. Once again, as in James and Labine, the Court's opinion makes evident  
30 that its holding is contrary to earlier decisions. **Concededly, petitioner was a citizen at birth, not by constitutional**  
31 **right, but only through operation of a federal statute.**  
32 [Rogers v. Bellei, 401 U.S. 815 (1971)]

33 An immigration attorney also confirmed on the Democracy Now program that Congress can't take away POLITICAL  
34 citizenship without your consent, which MUST imply that 8 U.S.C. §1481 does not describe expatriation of POLITICAL  
35 citizenship:

Constitutional Attorney Shayana Kadidal on Democracy Now proves Federal Government cannot take away POLITICAL citizenship  
and that "nationals of the United States" described in 8 U.S.C. §1481 DOES NOT include constitutional citizens, Exhibit #01.015  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

36 Here is yet another example of why POLITICAL citizenship is not a revocable privilege you can lose, but a protected  
37 PRIVATE right that you must consent to lose:

38 **FOURTEENTH AMENDMENT**  
39 **PRIVILEGES OR IMMUNITIES**

40 Unique among constitutional provisions, the clause prohibiting state abridgement of the "privileges or  
41 immunities" of United States citizens was rendered a "practical nullity" by a single decision of the Supreme  
42 Court issued within five years of its ratification. In the Slaughter-House Cases,<sup>126</sup> the Court evaluated a Louisiana  
43 statute which conferred a monopoly upon a single corporation to engage in the business of slaughtering cattle.  
44 In determining whether this statute abridged the "privileges" of other butchers, the Court frustrated the aims of  
45 the most aggressive sponsors of the Privileges or Immunities Clause. According to the Court, these sponsors had  
46 sought to centralize "in the hands of the Federal Government large powers hitherto exercised by the States" by  
47 converting the rights of the citizens of each State at the time of the adoption of the Fourteenth Amendment into  
48 protected privileges and immunities of United States citizenship. This interpretation would have allowed business  
49 to develop unimpeded by state interference by limiting state laws "abridging" these privileges.

50 According to the Court, however, such an interpretation would have "transfer[red] the security and protection  
51 of all the civil rights . . . to the Federal Government, . . . to bring within the power of Congress the entire domain  
52 of civil rights heretofore belonging exclusively to the States," and would "constitute this court a perpetual censor

<sup>126</sup> 83 U.S. (16 Wall.) 36, 71, 77-79 (1873).

1 upon all legislation of the States, on the civil rights of their own citizens, with authority to nullify such as it did  
2 not approve as consistent with those rights, as they existed at the time of the adoption of this amendment . . .  
3 [The effect of] so great a departure from the structure and spirit of our institutions . . . is to fetter and degrade  
4 the State governments by subjecting them to the control of Congress, in the exercise of powers heretofore  
5 universally conceded to them of the most ordinary and fundamental character . . . We are convinced that no  
6 such results were intended by the Congress . . . , nor by the legislatures . . . which ratified" the other War  
7 Amendments was "the freedom of the slave race."

8 Based on these conclusions, the Court held that none of the rights alleged by the competing New Orleans butchers  
9 to have been violated were derived from the butcher's national citizenship; insofar as the Louisiana law interfered  
10 with their pursuit of the business of butchering animals, the privilege was one which "belonged to the citizens of  
11 the States as such." Despite the broad language of this clause, the Court held that the privileges and immunities  
12 of state citizenship had been "left to the state governments for security and protection" and had not been placed  
13 by the clause "under the special care of the Federal Government." The only privileges which the Fourteenth  
14 Amendment protected against state encroachment were declared to be those "which owe their existence to the  
15 Federal Government, its National character, its Constitution, or its laws."<sup>127</sup> These privileges, however, had been  
16 available to United States citizens and protected from state interference by operation of federal supremacy even  
17 prior to the adoption of the Fourteenth Amendment. The Slaughter-House Cases, therefore, reduced the privileges  
18 or immunities clause to a superfluous reiteration of a prohibition already operative against the states.  
19 [The Constitution of the United States of America, Analysis and Interpretation, Fourteenth Amendment, U.S.  
20 Government Printing Office, pp. 1674-1675;  
21 SOURCE: <http://famguardian.org/PublishedAuthors/Govt/CRS/USConstAnnotated.pdf>]

22 Hence, the PRIVATE rights associated with the status of CONSTITUTIONAL "citizen[\*]" are irrevocable and therefore  
23 NOT "privileges" or franchises or PUBLIC rights, but rather PRIVATE INALIENABLE RIGHTS.

24 Those interested in obtaining additional authorities on the subject of the meaning of "privileges and immunities" within the  
25 Fourteenth Amendment are directed to the following resource:

<p><u><a href="http://famguardian.org/TaxFreedom/CitesByTopic/privilegesandimmunities.htm">Sovereignty Forms and Instructions Online</a></u>, Form #10.004, Cites by Topic: "privileges and immunities" <a href="http://famguardian.org/TaxFreedom/CitesByTopic/privilegesandimmunities.htm">http://famguardian.org/TaxFreedom/CitesByTopic/privilegesandimmunities.htm</a></p>
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26 **20.3.2 State citizens are Not Fourteenth Amendment "citizens of the United States\*\*\*"**

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<sup>127</sup> 83 U.S. at 78-79.

False Argument: People in states of the Union are NOT Fourteenth Amendment “citizens of the United States\*\*\*”. A Fourteenth Amendment “citizen of the United States\*\*\*” is domiciled on federal territory and subject to the exclusive LEGISLATIVE jurisdiction of Congress.

Corrected Alternative Argument: All state citizens are, at this time, Fourteenth Amendment citizens. The fact that one is a Fourteenth Amendment “citizen of the United States\*\*\*” does not mean that they are subject to the exclusive LEGISLATIVE jurisdiction of Congress under Article 1, Section 8, Clause 17, but rather the POLITICAL jurisdiction. Political jurisdiction encompasses allegiance, nationality, being a “national”, and political rights. Exclusive LEGISLATIVE jurisdiction of Congress, on the other hand, has domicile and/or physical presence on federal territory as a prerequisite.

Further information:

1. Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015--explains and rebuts THE MOST prevalent flawed argument we hear from freedom advocates.  
<http://sedm.org/Forms/FormIndex.htm>
2. Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006  
<http://sedm.org/Forms/FormIndex.htm>
3. Fourteenth Amendment Annotated, Findlaw  
<http://www.findlaw.com/casecode/constitution/>
4. Citizenship and Sovereignty Course, Form #12.001  
<http://sedm.org/Forms/FormIndex.htm>
5. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001  
<http://sedm.org/Forms/FormIndex.htm>
6. Citizenship, Domicile, and Tax Status Options, Form #10.003  
<http://sedm.org/Forms/FormIndex.htm>
7. Family Guardian Forum 7.1: Citizenship, Domicile, and Nationality  
<http://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/71-citizenship-domicile-and-nationality/>

1 A number of freedom advocates situated in states of the Union and who are state nationals falsely allege one or more of the  
2 following:

- 3 1. The Fourteenth Amendment is a threat to the freedom of the average American domiciled in a state of the Union.
- 4 2. People domiciled within states of the Union are NOT Fourteenth Amendment “citizens of the United States”.
- 5 3. A Fourteenth Amendment “citizen of the United States” is domiciled on federal territory and subject to the exclusive  
6 LEGISLATIVE jurisdiction of Congress.

7 This is what we call a “conspiracy theory” and it is actually an over-reaction to the verbicide abused by the government as  
8 described in:

Flawed Tax Arguments to Avoid, Form #08.004, Section 9.1.1  
<http://sedm.org/Forms/FormIndex.htm>

9 In fact, this view is COMPLETELY FALSE, as we will explain.

10 The first thing we must understand to fully comprehend POLITICAL citizenship is that there are the TWO types of  
11 jurisdiction:

- 12 1. POLITICAL JURISDICTION: based upon allegiance, nationality, and being a national under 8 U.S.C. §1101(a)(21)  
13 (state nationals) or 8 U.S.C. §1101(a)(22)(B) (U.S. possessions).
- 14 2. LEGISLATIVE JURISDICTION: based upon domicile and being a statutory "citizen" under the civil law.

15 One can be subject to the POLITICAL JURISDICTION without being subject to the LEGISLATIVE JURISDICTION. An  
16 example would be an American national born and domiciled in a state of the Union on land within the exclusive jurisdiction  
17 of the state that is not federal territory. THAT person would be subject to the POLITICAL JURISDICTION of the United  
18 States\*\*\* by virtue of possessing BOTH of the following characteristics:

**Why You Are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien**

**582 of 643**

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



1. Being born or naturalized anywhere within the “United States\*\*\*” AND
2. Having allegiance to the United States\*\*\*.

That person does not have a domicile on federal territory and therefore:

1. Is NOT a “person” under federal statutory civil law.
2. Is therefore not subject to exclusive federal civil LEGISLATIVE JURISDICTION under Article 1, Section 8, Clause 17 of the United States Constitution.
3. Would be subject to federal criminal law within Title 18 of the U.S. Code only by setting foot temporarily on federal territory and committing a crime while there.

The next thing we must understand about citizenship are the various jurisdictional phrases used to describe it in the U.S.A. Constitution and within federal statutory law. These phrases are summarized below.

**Table 32: Meaning of jurisdictional phrases beginning with "subject to ...."**

#	Phrase	Context	Type of jurisdiction	Jurisdiction created by	Extent of Jurisdiction
1	“Subject to THE jurisdiction”	Fourteenth Amendment, Section 1	Political jurisdiction	Oath of allegiance to “United States***” and birth or naturalization in the United States***	States of the Union ONLY.
2	“Subject to ITS jurisdiction”	Federal statutory law	Legislative jurisdiction	Domicile on federal territory ONLY	Federal territories, federal possessions
3	“Subject to THEIR jurisdiction”	Thirteenth Amendment	Political jurisdiction	Oath of allegiance to a state of the Union. Becoming a “citizen under state law.	States of the Union ONLY
4	“within ITS jurisdiction”	Fourteenth Amendment, Section 1	Political jurisdiction	Oath of allegiance to a state of the Union. Becoming a “citizen” under state law.	States of the Union ONLY

Below is the case law upon which the above table is based:

1. Meaning of “subject to THE jurisdiction”:

*"This section contemplates two sources of citizenship, and two sources only: birth and naturalization. The persons declared [112 U.S. 94, 102] to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction, and owing them direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts; or collectively, as by the force of a treaty by which foreign territory is acquired."*  
[Elk v. Wilkins, 112 U.S. 94 (1884)]

*"This section contemplates two sources of citizenship, and two sources only, -birth and naturalization. The persons declared to be citizens are 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof.' The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union and NOT the national government] direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired."*

[. . .]

*"It is impossible to construe the words 'subject to the jurisdiction thereof,' in the opening sentence, as less comprehensive than the words 'within its jurisdiction,' in the concluding sentence of the same section; or to hold that persons 'within the jurisdiction' of one of the states of the Union are not 'subject to the jurisdiction of the United States[\*\*\*]'"*  
[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898), emphasis added]

2. Meaning of “subject to THEIR jurisdiction” found in the Thirteenth Amendment:

"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 13th Amendment to the Constitution, prohibiting slavery and involuntary servitude 'within the United States, or in any place subject to their jurisdiction,' is also significant as showing that there may be places within the jurisdiction of the United States that are no part of the Union. To say that the phraseology of this amendment was due to the fact that it was intended to prohibit slavery in the seceded states, under a possible interpretation that those states were no longer a part of the Union, is to confess the very point in issue, since it involves an admission that, if these states were not a part of the Union, they were still subject to the jurisdiction of the United States [because they were federal territory until the rejoined the Union]."**

Upon the other hand, the 14th Amendment, upon the subject of citizenship, declares only that 'all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the state wherein they reside.' **Here there is a limitation to persons born or naturalized in the United States, which is not extended to persons born in any place 'subject to their jurisdiction.'**"

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

The U.S. circuit courts distinguished the differences between POLITICAL jurisdiction and CIVIL jurisdiction below. Note that they say that the term "United States" when used in a geographical sense implies states of the Union and EXCLUDES federal territory. POLITICAL jurisdiction may reach outside that geography because it is based on allegiance, but CIVIL jurisdiction cannot and is always territorially limited:

**The principal issue in this petition is the territorial scope of the term "the United States" in the Citizenship Clause of the Fourteenth Amendment.** U.S. Const. amend. XIV, § 1 ("All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." (emphasis added)). Petitioner, who was born in the Philippines in 1934 during its status as a United States territory, argues she was "born ... in the United States" and is therefore a United States citizen.<sup>128</sup>

Petitioner's argument is relatively novel, having been addressed previously only in the Ninth Circuit. See Rabang v. I.N.S., 35 F.3d. 1449, 1452 (9th Cir.1994) ("**No court has addressed whether persons born in a United States territory are born 'in the United States,' within the meaning of the Fourteenth Amendment.**"), cert. denied sub nom. Samidad v. INS, 515 U.S. 1130, 115 S.Ct. 2554, 132 L.Ed.2d. 809 (1995). In a split decision, **the Ninth Circuit held that "birth in the Philippines during the territorial period does not constitute birth 'in the United States' under the Citizenship Clause of the Fourteenth Amendment,** and thus does not give rise to United States citizenship." Rabang, 35 F.3d. at 1452. We agree.<sup>129</sup>

Despite the novelty of petitioner's argument, **the Supreme Court in the Insular Cases<sup>130</sup> provides authoritative guidance on the territorial scope of the term "the United States" in the Fourteenth Amendment.** The Insular Cases were a series of Supreme Court decisions that addressed challenges to duties on goods transported from Puerto Rico to the continental United States. Puerto Rico, like the Philippines, had been recently ceded to the

<sup>128</sup> Although this argument was not raised before the immigration judge or on appeal to the BIA, it may be raised for the first time in this petition. See INA, supra, § 106(a)(5), 8 U.S.C. §1105a(a)(5).

<sup>129</sup> For the purpose of deciding this petition, we address only the territorial scope of the phrase "the United States" in the Citizenship Clause. We do not consider the distinct issue of whether citizenship is a "fundamental right" that extends by its own force to the inhabitants of the Philippines under the doctrine of territorial incorporation. Dorr v. United States, 195 U.S. 138, 146, 24 S.Ct. 808, 812, 49 L.Ed. 128 (1904) ("Doubtless Congress, in legislating for the Territories would be subject to those fundamental limitations in favor of personal rights which are formulated in the Constitution and its amendments." (citation and internal quotation marks omitted)); Rabang, 35 F.3d. at 1453 n. 8 ("We note that the territorial scope of the phrase 'the United States' is a distinct inquiry from whether a constitutional provision should extend to a territory." (citing Downes v. Bidwell, 182 U.S. 244, 249, 21 S.Ct. 770, 772, 45 L.Ed. 1088 (1901))). The phrase "the United States" is an express territorial limitation on the scope of the Citizenship Clause. Because we determine that the phrase "the United States" did not include the Philippines during its status as a United States territory, we need not determine the application of the Citizenship Clause to the Philippines under the doctrine of territorial incorporation. Cf. United States v. Verdugo-Urquidez, 494 U.S. 259, 291 n. 11, 110 S.Ct. 1056, 1074 n. 11, 108 L.Ed.2d 222 (1990) (Brennan, J., dissenting) (arguing that the Fourth Amendment may be applied extraterritorially, in part, because it does not contain an "express territorial limitation[ ]").

<sup>130</sup> De Lima v. Bidwell, 182 U.S. 1, 21 S.Ct. 743, 45 L.Ed. 1041 (1901); Dooley v. United States, 182 U.S. 222, 21 S.Ct. 762, 45 L.Ed. 1074 (1901); Armstrong v. United States, 182 U.S. 243, 21 S.Ct. 827, 45 L.Ed. 1086 (1901); and Downes v. Bidwell, 182 U.S. 244, 21 S.Ct. 770, 45 L.Ed. 1088 (1901).

United States. The Court considered the territorial scope of the term "the United States" in the Constitution and held that this term as used in the uniformity clause of the Constitution was territorially limited to the states of the Union. U.S. Const. art. I, §8 ("[A]ll Duties, Imposts and Excises shall be uniform throughout the United States." (emphasis added)); see *Downes v. Bidwell*, 182 U.S. 244, 251, 21 S.Ct. 770, 773, 45 L.Ed. 1088 (1901) ("It can nowhere be inferred that the territories were considered a part of the United States. The Constitution was created by the people of the United States, as a union of States, to be governed solely by representatives of the States; ... In short, the Constitution deals with States, their people, and their representatives."); *Rabang*, 35 F.3d. at 1452. Puerto Rico was merely a territory "appurtenant and belonging to the United States, but not a part of the United States within the revenue clauses of the Constitution." *Downes*, 182 U.S. at 287, 21 S.Ct. at 787.

The Court's conclusion in *Downes* was derived in part by analyzing the territorial scope of the Thirteenth and Fourteenth Amendments. The Thirteenth Amendment prohibits slavery and involuntary servitude "within the United States, or any place subject to their jurisdiction." U.S. Const. amend. XIII, § 1 (emphasis added). The Fourteenth Amendment states that persons "born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." U.S. Const. amend. XIV, § 1 (emphasis added). The disjunctive "or" in the Thirteenth Amendment demonstrates that "there may be places within the jurisdiction of the United States that are no[t] part of the Union" to which the Thirteenth Amendment would apply. *Downes*, 182 U.S. at 251, 21 S.Ct. at 773. Citizenship under the Fourteenth Amendment, however, "is not extended to persons born in any place 'subject to [the United States'] jurisdiction," "but is limited to persons born or naturalized in the states of the Union. *Downes*, 182 U.S. at 251, 21 S.Ct. at 773 (emphasis added); see also *id.* at 263, 21 S.Ct. at 777 ("In dealing with foreign sovereignties, the term 'United States' has a broader meaning than when used in the Constitution, and includes all territories subject to the jurisdiction of the Federal government, wherever located.").<sup>131</sup>

Following the decisions in the Insular Cases, the Supreme Court confirmed that the Philippines, during its status as a United States territory, was not a part of the United States. See *Hooven & Allison Co. v. Evatt*, 324 U.S. 652, 678, 65 S.Ct. 870, 883, 89 L.Ed. 1252 (1945) ("As we have seen, [the Philippines] are not a part of the United States in the sense that they are subject to and enjoy the benefits or protection of the Constitution, as do the states which are united by and under it."); see *id.* at 673-74, 65 S.Ct. at 881 (*Philippines "are territories belonging to, but not a part of, the Union of states under the Constitution," and therefore imports "brought from the Philippines into the United States ... are brought from territory, which is not a part of the United States, into the territory of the United States."*).

Accordingly, the Supreme Court has observed, without deciding, that persons born in the Philippines prior to its independence in 1946 are not [CONSTITUTIONAL] citizens of the United States. See *Barber v. Gonzales*, 347 U.S. 637, 639 n. 1, 74 S.Ct. 822, 823 n. 1, 98 L.Ed. 1009 (1954) (stating that although the inhabitants of the Philippines during the territorial period were "nationals" of the United States, they were not "United States citizens"); *Rabang v. Boyd*, 353 U.S. 427, 432 n. 12, 77 S.Ct. 985, 988 n. 12, 1 L.Ed.2d. 956 (1957) ("The inhabitants of the Islands acquired by the United States during the late war with Spain, not being citizens of the United States, do not possess right of free entry into the United States." (emphasis added) (citation and internal quotation marks omitted)).

Petitioner, notwithstanding this line of Supreme Court authority since the *Insular Cases*, argues that the Fourteenth Amendment codified English common law principles that birth within the territory or dominion of a sovereign confers citizenship. Because the United States exercised complete sovereignty over the Philippines during its territorial period, petitioner asserts that she is therefore a citizen by virtue of her birth within the territory and dominion of the United States. Petitioner argues that the term "the United States" in the Fourteenth Amendment should be interpreted to mean "within the dominion or territory of the United States." *Rabang*, 35 F.3d. at 1459 (Pregerson, J., dissenting); see *United States v. Wong Kim Ark*, 169 U.S. 649, 693, 18 S.Ct. 456, 473-74, 42 L.Ed. 890 (1898) (relying on the English common law and holding that the Fourteenth Amendment "affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country" (emphasis added)); *Inglis v. Sailors' Snug Harbour*, 28 U.S. (3 Pet.) 99, 155, 7 L.Ed. 617 (1830) (Story, J., concurring and dissenting) (citizenship is conferred by "birth locally within the dominions of the sovereign; and ... birth within the protection and obedience ... of the sovereign").

We decline petitioner's invitation to construe *Wong Kim Ark* and *Inglis* so expansively. Neither case is reliable authority for the citizenship principle petitioner would have us adopt. The issue in *Wong Kim Ark* was whether a child born to alien parents in the United States was a citizen under the Fourteenth Amendment. That the child was born in San Francisco was undisputed and "it [was therefore] unnecessary to define 'territory' rigorously or decide whether 'territory' in its broader sense (i.e. outlying land subject to the jurisdiction of this country) meant 'in the United States' under the Citizenship Clause." *Rabang*, 35 F.3d. at 1454.<sup>132</sup> Similarly, in *Inglis*, a pre-

<sup>131</sup> Congress, under the Act of February 21, 1871, ch. 62, § 34, 16 Stat. 419, 426, expressly extended the Constitution and federal laws to the District of Columbia. See *Downes*, 182 U.S. at 261, 21 S.Ct. at 777 (stating that the "mere cession of the District of Columbia" from portions of Virginia and Maryland did not "take [the District of Columbia] out of the United States or from under the aegis of the Constitution.").

<sup>132</sup> This point is well illustrated by the Court's ambiguous pronouncements on the territorial scope of common law citizenship. See *Rabang*, 35 F.3d. at 1454; compare *Wong Kim Ark*, 169 U.S. at 658, 18 S.Ct. at 460 (under the English common law, "every child born in England of alien parents was a natural-born

Fourteenth Amendment decision, the Court considered whether a person, born in the colonies prior to the Declaration of Independence, whose parents remained loyal to England and left the colonies after independence, was a United States citizen for the purpose of inheriting property in the United States. Because the person's birth within the colonies was undisputed, it was unnecessary in that case to consider the territorial scope of common law citizenship.

The question of the Fourteenth Amendment's territorial scope was not before the Court in Wong Kim Ark or Inglis and we will not construe the Court's statements in either case as establishing the citizenship principle that a person born in the outlying territories of the United States is a United States citizen under the Fourteenth Amendment. See Rabang, 35 F.3d. at 1454. "[G]eneral expressions, in every opinion, are to be taken in connection with the case in which those expressions are used. If they go beyond the case, they may be respected, but ought not to control the judgment in a subsequent suit when the very point is presented for decision." Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 399, 5 L.Ed. 257 (1821) (Marshall, C.J.).

In sum, persons born in the Philippines during its status as a United States territory were not "born ... in the United States" under the Fourteenth Amendment. Rabang, 35 F.3d. at 1453 (Fourteenth Amendment has an "express territorial limitation which prevents its extension to every place over which the government exercises its sovereignty."). Petitioner is therefore not a United States citizen by virtue of her birth in the Philippines during its territorial period.

Petitioner makes several additional arguments that we address and dispose of quickly. First, contrary to petitioner's argument, Congress' classification of the inhabitants of the Philippines as "nationals" during the Philippines' territorial period did not violate the Thirteenth Amendment. The Thirteenth Amendment "proscribe[s] conditions of 'enforced compulsory service of one to another.'" Jobson v. Henne, 355 F.2d. 129, 131 (2d Cir.1966) (quoting Hodges v. United States, 203 U.S. 1, 16, 27 S.Ct. 6, 8, 51 L.Ed. 65 (1906)).

Furthermore, contrary to petitioner's argument, Congress had the authority to classify her as a "national" and then reclassify her as an alien to whom the United States immigration laws would apply. Congress' authority to determine petitioner's political and immigration status was derived from three sources. Under the Constitution, Congress has authority to "make all needful Rules and Regulations respecting the Territory ... belonging to the United States," see U.S. Const. art. IV, §3, cl. 2, and "[t]o establish an uniform Rule of Naturalization," id. art. I, § 8, cl.4. The Treaty of Paris provided that "the civil rights and political status of the native inhabitants ... shall be determined by Congress." Treaty of Paris, supra, art. IX, 30 Stat. at 1759. This authority was confirmed in Downes where the Supreme Court stated that the "power to acquire territory by treaty implies not only the power to govern such territory, but to prescribe upon what terms the United States will receive its inhabitants, and what their status shall be." Downes, 182 U.S. at 279, 21 S.Ct. at 784; see Rabang v. Boyd, 353 U.S. 427, 432, 77 S.Ct. 985, 988, 1 L.Ed.2d. 956 (1957) (rejecting argument that Congress did not have authority to alter the immigration status of persons born in the Philippines).

Congress' reclassification of Philippine "nationals" to alien status under the Philippine Independence Act was not tantamount to a "collective denaturalization" as petitioner contends. See Afroyim v. Rusk, 387 U.S. 253, 257, 87 S.Ct. 1660, 1662, 18 L.Ed.2d. 757 (1967) (holding that Congress has no authority to revoke United States citizenship). Philippine "nationals" of the United States were not naturalized United States citizens. See Manlangit v. INS, 488 F.2d. 1073, 1074 (4th Cir.1973) (holding that Afroyim addressed the rights of a naturalized American citizen and therefore does not stand as a bar to Congress' authority to revoke the non-citizen, "national" status of the Philippine inhabitants). [Valmonte v. I.N.S., 136 F.3d. 914 (C.A.2, 1998)]

Within the United States Constitution, there are two types of citizens mentioned:

## 1. Upper case "Citizen" of the original constitution

### 1.1. Mentioned in:

1.1.1. Article 1, Section 2, Clause 2.

1.1.2. Article 1, Section 3, Clause 3.

### 1.2. No doubt, was a white male ONLY. Excluded:

1.2.1. Blacks. 15<sup>th</sup> Amendment.

1.2.2. Women. 19<sup>th</sup> Amendment.

### 1.3. Rights defined are in the CONTEXT of ONLY the relationship between the national government and people in the several constitutional States.

### 1.4. Upper case because these people were the sovereigns who wrote the original constitution.

## 2. Lower case "citizen of the United States\*\*\*" in the constitution:

### 2.1. Mentioned first in the Fourteenth Amendment, Section 1.

subject" (emphasis added)), and id. at 661, 18 S.Ct. at 462 ("Persons who are born in a country are generally deemed citizens and subjects of that country." (citation and internal quotation marks omitted; emphasis added)), with id. at 667, 18 S.Ct. at 464 (citizenship is conferred by "birth within the dominion").



- 2.2. Mentioned also in Constitutional Amendments 15, 19, and 26.
- 2.3. Includes people other than white males, such as blacks (15<sup>th</sup> Amend.), women (19<sup>th</sup> Amend.).
- 2.4. Since the passage of the Fourteenth Amendment, has been made a SUPERSET of the capital "C" Citizen in the earlier constitution, not a subset.
- 2.5. Rights defined are in the context of ONLY the relationship between the STATE government and the people in the several States. NOT the national government.
- 2.6. Lower case because the people protected are NOT the capital "C" citizen, are located in a foreign state, and THESE people were not among the original capitalized sovereigns. Therefore, they cannot be given the same name or use the same capitalization. It is a maxim of law that what is similar is not the same.
- 2.7. Is not inferior AT THIS TIME to a capital "C" Citizen. At one time it was, but right now, everyone is equal because of Amendments 14 and on.

The U.S. Supreme Court admitted that the "citizen of the United States\*\*\*\*" described Fourteenth Amendment included EVERYONE and people of ALL RACES, and therefore was a superset of the capital "C" citizen of the original constitution, which was a white male only:

*"The fourteenth amendment, by the language, 'all persons born in the United States, and subject to the jurisdiction thereof,' was intended to bring all races, without distinction of color, within the rule which prior to that time pertained to the white race." Benny v. O'Brien (1895), 58 N.J.Law 36, 39, 40, 32 Atl. 696.*

*The foregoing considerations and authorities irresistibly lead us to these conclusions: The fourteenth amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country [not the "United States\*\*", but the "United States\*\*\*\*"], including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes. The amendment, in clear words and in manifest intent, includes the children born within the territory of the United States of all other persons, of whatever race or color, domiciled within the United States. Every citizen or subject of another country, while domiciled here, is within the allegiance and the protection, and consequently subject to the jurisdiction, of the United States. His allegiance to the United States is direct and immediate, and, although but local and temporary, continuing only so long as he remains within our territory, is yet, in the words of Lord Coke in Calvin's Case, 7 Coke, 6a, 'strong enough to make a natural subject, for, if he hath issue here, that issue is a natural-born subject'; and his child, as said by Mr. Binney in his essay before quoted, 'If born in the country, is as much a citizen as the natural-born child of a citizen, and by operation of the same principle.' It can hardly be denied that an alien is completely subject to the political jurisdiction of the country in which he resides, seeing that, as said by Mr. Webster, when secretary of state, in his report to the president on Thrasher's case in 1851, and since repeated by this court: 'Independently of a residence with intention to continue such residence; independently of any domiciliation; independently of the taking of any oath of allegiance, or of renouncing any former allegiance,—it is well known that by the public law an alien, or a stranger born, for so long a time as he continues within the dominions of a foreign government, owes obedience to the laws of that government, and may be punished for treason or other crimes as a native-born subject might be, unless his case is varied by some treaty stipulations.' Executive Documents H. R. No. 10, 1st Sess. 32d Cong. p. 4; 6 Webster's Works, 526; U.S. v. Carlisle, 16 Wall. 147, 155; Calvin's Case, 7 Coke, 6a; Ellesmere, Postnati, 63; 1 Hale, P. C. 62; 4 Bl.Comm. 74, 92.*

*To hold that the fourteenth amendment of the constitution excludes from citizenship the children born in the United States of citizens or subjects of other countries, would be to deny citizenship to thousands of persons of English, Scotch, Irish, German, or other European parentage, who have always been considered and treated as citizens of the United States.*

[. . .]

*But, as already observed, it is impossible to attribute to the words, 'subject to the jurisdiction thereof' (that is to say, of the United States), at the beginning, a less comprehensive meaning than to the words 'within its jurisdiction' (that is, of the state), at the end of the same section; or to hold that persons, who are indisputably 'within the jurisdiction' of the state, are not 'subject to the jurisdiction' of the nation. " [U.S. v. Wong Kim Ark, 169 U.S. 649 (1898)]*

Obviously, the two types of citizenship started out as unequal in the POLITICAL RIGHTS they had at the time the "citizen of the United States\*\*\*\*" mentioned in the Fourteenth Amendment was first created in 1868. They were not unequal in OTHER rights, but only in POLITICAL RIGHTS. Political rights include voting and serving on jury duty. Over time, the above two types of citizens have converged to the point where they are now essentially equal in RIGHTS. That convergence has occurred by:



1. The addition of several new amendments after Amendment 14 that add additional rights to the “citizen of the United States\*\*\*” status. These amendments include Amendments 15, 19, and 26, for instance.
2. Additional federal legislation that enforces the new rights found in 42 U.S.C. §1983.

The U.S. Supreme Court acknowledged the convergence of rights between “Citizens” within the original U.S.A. Constitution and “citizens of the United States\*\*\*” within the Fourteenth Amendment when it held:

*There is no occasion to attempt again an exposition of the views of this Court as to the proper limitations of the privileges and immunities clause. There is a very recent discussion in *Hague v. Committee Industrial Organization*. The appellant purports to accept as sound the position stated as the view of all the justices concurring in the *Hague* decision. **This position is that the privileges and immunities clause protects all citizens against abridgement by states of rights of national citizenship as distinct from the fundamental or [309 U.S. 83, 91] natural rights inherent in state citizenship.** This Court declared in the *Slaughter-House Cases*<sup>15</sup> that the **Fourteenth Amendment as well as the Thirteenth and Fifteenth were adopted to protect the negroes in their freedom.** This almost contemporaneous interpretation extended the benefits of the privileges and immunities clause to other rights which are inherent in **national citizenship but denied it to those which spring from [309 U.S. 83, 92] state citizenship.***

*'We repeat, then, in the light of this recapitulation of events, almost too recent to be called history, but which are familiar to us all; and on the most casual examination of the language of these amendments, no one can fail to be impressed with the one pervading purpose found in them all, lying at the foundation of each, and without which none of them would have been even suggested; **we mean the freedom of the slave race, the security and firm establishment of that freedom, and the protection of the newly-made freeman and citizen from the oppressions of those who had formerly exercised unlimited dominion over him.** ...*

*'And so if **other rights are assailed by the States which properly and necessarily fall within the protection of these articles, that protection will apply, though the party interested may not be of African descent.** But what we do say, and what we wish to be understood is, that in any fair and just construction of any section or phrase of these amendments, it is necessary to look to the purpose which we have said was the pervading spirit of them all, the evil which they were designed to remedy, and the process of continued addition to the Constitution, until that purpose was supposed to be accomplished, as far as constitutional law can accomplish it.'*  
[*Madden v. Commonwealth of Kentucky*, 309 U.S. 83 (1940)]

Note, however, that even though these two types of constitutional citizens are EFFECTIVELY the same in RIGHTS:

1. We are not saying that they apply to the same CONTEXTS.
  - 1.1. "Citizen" applies to the relationship between the national government and the state citizen.
  - 1.2. "citizen of the United States\*\*\*" applies to the relationship between the constitutional state governments and THEIR citizens.
2. We are not saying their NAME or their GENESIS is equivalent.
3. We are not saying that they were ALWAYS equivalent in the RIGHTS they enjoy, but that they have EVOLVED to be equivalent AT THIS TIME.
4. We are not saying that a Fourteenth Amendment constitutional “citizen of the United States” is the equivalent to a statutory “national and citizen of the United States[\*\*] at birth” found in 8 U.S.C. §1401.

With regard to the last item in the above list, we must emphasize that the government only has the authority to LEGISLATIVELY regulate PUBLIC conduct, not private conduct, on government territory. Hence, civil statutes are law for government and not private people. Those mentioned in the constitution are PRIVATE people and statutory “non-resident non-persons” (Form #05.020) under all federal civil law. Statutes are written to protect these PRIVATE, “foreign”, and “sovereign” people, but not to regulate or control them or impose "duties" upon them. This is discussed in:

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

In fact, the two types of citizens are just different subsets of the same sovereign state nationals within states of the Union. The only difference is the CONTEXT described above. For both types of citizens:

1. The term "United States\*\*\*", in the constitutional geographic context, means ONLY states of the Union. This jurisdiction excludes federal territory and statutory "States", and therefore statutory jurisdiction of Congress.

- 1 2. The method of enforcing civil rights is found in 42 U.S.C. §1983.  
2 2.1. That provision applies to state officers and not private parties.  
3 2.2. This provision was enacted pursuant to Fourteenth Amendment, Section 5.  
4 2.3. The definition of “person” applicable to that provision and found in 42 U.S.C. §1981(a) refers to the “person” in  
5 the constitution and not the statutory “person” found either in Title 26 of the U.S. Code (26 C.F.R. §1.1-1(c)) or  
6 in the Social Security Act (see 26 U.S.C. §3121(e)).
- 7 3. One only becomes a subject of federal LEGISLATIVE jurisdiction by:  
8 3.1. Being a state officer but not a PRIVATE person subject to 42 U.S.C. §1983. The ability to regulate PRIVATE  
9 conduct is “repugnant to the constitution”, as held repeatedly by the U.S. Supreme Court.  
10 3.2. Changing your domicile to federal territory.  
11 3.3. Setting foot on federal territory and committing a crime under Title 18 of the U.S. Code while there.
- 12 Our official position on the position that state citizens are NOT Fourteenth Amendment “citizens of the United States”  
13 therefore summarized in the following list based on the evidence presented in this section:
- 14 1. Fourteenth Amendment “citizens of the United States” are a SUPERSET of the “Citizen” mentioned in the original  
15 United States Constitution. Based on amendments and legislation created after the Fourteenth Amendment, it adds the  
16 following demographic groups to the “Citizen” found in the original U.S.A. Constitution:  
17 1.1. Blacks. See the 15<sup>th</sup> Amendment.  
18 1.2. Women. See the 19th Amendment.  
19 1.3. Voters under age 21, INCLUDING white males. See 26<sup>th</sup> Amendment.  
20 2. Those who are white males and therefore eligible to claim the “Citizen” status found in the original constitution will be  
21 faced with the following limitations upon their approach that will limit its usefulness and applicability to a small subset  
22 of those that our official position can reach:  
23 2.1. It makes those who use it look like a racist.  
24 2.2. It is limited to WHITE OVERAGE MALES. It would not be useful for blacks, women, or UNDERAGE WHITE  
25 MALES.  
26 2.3. It confers NO DEMONSTRABLE ADDITIONAL RIGHTS that WHITE males did not possess at the founding of  
27 the country.  
28 3. One can be a Constitutional “Citizen” or Fourteenth Amendment “citizen of the United States\*\*\*” and STILL be a  
29 “non-resident non-person” under ordinary Acts of Congress. This seeming contradiction is explained by:  
30 3.1. The separation of legislative powers between the states of the Union and the federal government, which makes  
31 each foreign, sovereign, and alien in relation to the other.  
32 3.2. The differences in geographical definitions between federal statutory law and the Constitution itself.  
33 4. Being either a “Citizen” or a “citizen of the United States\*\*\*” within the U.S.A. Constitution equates with being a  
34 “national” under federal statutory law at 8 U.S.C. §1101(a)(21). Such who are not engaged in a public office and who  
35 also have this status also become “non-resident non-person” if exclusively PRIVATE.  
36 4.1. One only becomes a statutory “nonresident alien” if they are engaged in a public office:  
37 4.2. One only becomes a statutory political “citizen[\*]” under 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R.  
38 §1.1-1(c) by birth or naturalization on federal territory. having a domicile on federal territory AND being born  
39 there, so this moniker should be avoided, but the constitutional citizen moniker is not a problem.  
40 4.3. There is no harm in being a “national of the United States[\*\*\*] of America” under 8 U.S.C. §1101(a)(21). Those  
41 with this status maintain their sovereignty and sovereign immunity and do not meet any of the exceptions to the  
42 Foreign Sovereign Immunities Act (F.S.I.A.) found in 28 U.S.C. §1605 or 28 U.S.C. §1603(b)(3).  
43 4.4. The term “United States” in the constitution, WHEN USED IN A GEOGRAPHIC SENSE, means states of the  
44 Union and excludes federal territory, as we already pointed out.  
45 4.5. There are NO LONGER any differences between the two statuses but as we said, at one time there was.  
46 5. Most of the confusion and misunderstandings about the Fourteenth Amendment within the freedom community arise  
47 from the following misunderstandings:  
48 5.1. Confusing POLITICAL jurisdiction with LEGISLATIVE jurisdiction. POLITICAL jurisdiction associates with  
49 allegiance and nationality. LEGISLATIVE jurisdiction associates with DOMICILE.  
50 5.2. Confusing CONSTITUTIONAL context with STATUTORY context. You can be a “Citizen” or a “citizen of the  
51 United States” under the Constitution while at the same time being an ALIEN under STATUTORY context.  
52 5.3. Confusing CONSTITUTIONAL RIGHTS with STATUTORY CIVIL RIGHTS. STATUTORY CIVIL RIGHTS  
53 activate with a domicile on federal territory. CONSTITUTIONAL rights activate by being physically present on  
54 GROUND protected by the Constitution, not by either allegiance or domicile.

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

- 5.4. Not tying the word "person" to the section code to which the "person" is subject to. The "person" subject to 42 U.S.C. §1981(a) refers to the "person" in the constitution, which is NOT the same person found in either Title 26 of the U.S. Code (26 C.F.R. §1.1-1(c)) or in the Social Security Act (see 26 U.S.C. §3121(e)).
- 5.5. Not recognizing the genesis of 42 U.S.C. §1983, which is the Fourteenth Amendment. The reason that this statute mentions "white citizens" is precisely because it IMPLEMENTS the Fourteenth Amendment, and that amendment extended equal protection and equal rights to everyone OTHER than white Citizens.

Section 1983 Litigation, Litigation Tool #08.008

<http://sedm.org/Litigation/LitIndex.htm>

6. We take the position that our Members are Fourteenth Amendment "citizens of the United States". Our position, in contrast:

- 6.1. Can be used by ANYONE and EVERYONE who claims to be a state citizen.
- 6.2. Does not result in a surrender of ANY right that a WHITE MALE OVERAGE "Citizen" in the original Constitution has.
- 6.3. Avoids a lot of controversy and confusion that is pointless, and makes the advocate look like a conspiracy nut.
- 6.4. Can be used simply and reliably by people with far less legal knowledge, because it is LESS complex and less controversial.
- 6.5. Keeps the focus where it belongs, which is on GOVERNMENT VERBICIDE and WORD GAMES that destroy rights and violate due process of law. See:

Legal Deception, Propaganda, and Fraud, Form #05.014

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

7. It is still possible to be a state citizen and yet NEITHER a "Citizen" as found in the original United States Constitution or a "citizen of the United States" found in the Fourteenth Amendment. Those satisfying this condition include:
- 7.1. "Citizens", who are WHITE MALES who continue to distinguish themselves with this status and who REFUSE to adopt the "citizen of the United States" status adopted later...AND
- 7.2. Aliens born in a foreign country who are citizens of a state of the Union but who were never naturalized.
8. The subject of POLITICAL citizenship is a broadly contested subject in courts across the nation, including up to this day. The reason it is still widely contested is because:
- 8.1. Those who controvert it or argue that they are NOT Fourteenth Amendment "citizens of the United States" in fact, DO NOT understand the context, or the nuances of the subject and are making a mountain out of a mole hill.
- 8.2. Disputes over the subject are used by the government to distract attention away from MUCH more important and central issues, like what a "trade or business" is and how they can force you to occupy a public office without your consent without violating the Thirteenth Amendment.
- 8.3. Those who make a mountain of the mole hill that is this subject are what the government truthfully and accurately calls "conspiracy nuts" and little more.
9. Whether you, as a member and a reader decide to call yourself a political "Citizen" of the original U.S.A. Constitution or a "citizen[\*] of the United States[\*\*\*]" within the Fourteenth Amendment is not our concern. You can choose either. Regardless of WHICH status you decide to choose, all members who wish to use our materials are REQUIRED to attach the following forms to the government forms they fill out as a way to prevent being victimized by the false presumptions of others, and to remove ALL discretion from every judge and bureaucrat to decide your citizenship status or civil status in a court of law or in an administrative franchise court:
- 9.1. Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001-use with tax or withholding forms  
<http://sedm.org/Forms/FormIndex.htm>
- 9.2. USA Passport Application Attachment, Form #06.007  
<http://sedm.org/Forms/FormIndex.htm>
- 9.3. Voter Registration Attachment, Form #06.003  
<http://sedm.org/Forms/FormIndex.htm>
- 9.4. Citizenship, Domicile, and Tax Status Options, Form #10.003-use at depositions and with court pleadings.  
<http://sedm.org/Forms/FormIndex.htm>

Below is a list of case law relevant to the subject of what a constitutional "citizen of the United States" is and its relationship to that of state citizenship. All of the case law provided is entirely consistent with our position on citizenship. The cases are listed in chronological sequence, so you can see the historical evolution of jurisprudence on the subject over time:

"The [14th] amendment referred to slavery. Consequently, **the only persons embraced by its provisions, and for which Congress was authorized to legislate** in the manner were those then in slavery."  
[Bowlin v. Commonwealth, 65 Kent.Rep. 5, 29 (1867)]

"No white person. . . owes the status of citizenship to the recent amendments to the Federal Constitution."  
[Van Valkenbrg v. Brown (1872), 43 Cal.Sup.Ct. 43, 47]

"The rights of the state, as such, are not under consideration in the 14th Amendment, and are fully guaranteed by other provisions."  
[United States v. Anthony, 24 Fed.Cas. 829 (No. 14,459), 830 (1873)]

"**The first clause of the fourteenth amendment made negroes citizens of the United States\*\***, and citizens of the State in which they reside, and **thereby created two classes of citizens**, one of the United States\*\* and the other of the state."  
[Cory et al. v. Carter, 48 Ind. 327, (1874) headnote 8, emphasis added]

"We have in our political system a Government of the United States\*\* and a government of each of the several States. Each one of **these governments is distinct from the others, and each has citizens of its own ....** "  
[U.S. v. Cruikshank, 92 U.S. 542 (1875) emphasis added]

"One may be a citizen of a State and **yet not a citizen of the United States**. Thomasson v. State, 15 Ind. 449; Cory v. Carter, 48 Ind. 327 (17 Am. R. 738); McCarthy v. Froelke, 63 Ind. 507; In Re Wehlitz, 16 Wis. 443."  
[McDonel v. State, 90 Ind. 320, 323(1883) underlines added]

"A person who is a citizen of the United States\*\* is necessarily a citizen of the particular state in which he resides. **But a person may be a citizen of a particular state and not a citizen of the United States\*\***. To hold otherwise would be to deny to the state the highest exercise of its sovereignty, -- the right to declare who are its citizens."  
[State v. Fowler, 41 La.Ann. 380, 6 S. 602 (1889), emphasis added]

"The rights and privileges, and immunities which the fourteenth constitutional amendment and Rev. St. section 1979 [U.S. Comp. St. 1901, p. 1262], for its enforcement, were designated to protect, are such as belonging to citizens of the United States as such, and not as citizens of a state".  
[Wadleigh v. Newhall 136 F. 941 (1905)]

"The first clause of the fourteenth amendment of the federal Constitution made negroes citizens of the United States\*\*, and citizens of the state in which they reside, **and thereby created two classes of citizens, one of the United States\*\* and the other of the state.**"  
[4 Dec. Dig. '06, p. 1197, sec. 11, "Citizens" (1906), emphasis added]

"A fundamental right inherent in "state citizenship" is a privilege or immunity **of that citizenship only**. Privileges and immunities of "citizens of the United States," **on the other hand, are only such as arise out of the nature and essential character of the national government**, or as specifically granted or secured to all citizens or persons by the Constitution of the United States."  
[Twining v. New Jersey, 211 U.S. 78 (1908)]

"There are, then, under our republican form of government, two classes of citizens, one of the United States and one of the state".  
[Gardina v. Board of Registrars of Jefferson County, 160 Ala. 155, 48 So. 788 (1909)]

"**There are**, then, under our republican form of government, **two classes of citizens**, one of the United States\*\* and one of the state. **One class of citizenship may exist in a person, without the other, as in the case of a resident of the District of Columbia**; but both classes **usually exist** in the same person. "  
[Gardina v. Board of Registrars, 160 Ala. 155, 48 S. 788, 791 (1909), emphasis added]

"... **citizens of the District of Columbia** were not granted the privilege of litigating in the federal courts on the ground of diversity of citizenship. Possibly no better reason for this fact exists than **such citizens were not thought of when the judiciary article [III] of the federal Constitution was drafted**. ... **citizens of the United States\*\* ... were also not thought of**; but in any event a citizen of the United States\*\*, who is not a citizen of any state, is **not within the language of the [federal] Constitution.**"  
[Pannill v. Roanoke, 252 F. 910, 914 (1918)]

"United States citizenship does not entitle citizen to rights and privileges of state citizenship."  
[K. Tashiro v. Jordan, 201 Cal. 236, 256 P. 545, 48 Supreme Court. 527 (1927)]

"A citizen of the United States is ipso facto and at the same time a citizen of the state in which he resides. While the 14th Amendment does not create a national citizenship, it has the effect of making **that citizenship** 'paramount and dominant' instead of 'derivative and dependent' upon state citizenship."  
[Colgate v. Harvey, 296 U.S. 404, 427 (1935)]

"As applied to a citizen of another State, or to a citizen of the United States residing in another State, a state law forbidding sale of convict made goods does not violate the privileges and immunities clauses of Art. IV, Sec. 2 and the Fourteenth Amendment of the Federal Constitution if it applies also and equally to the citizens of the State that enacted it." (Syllabus)  
[Whitfield v. State of Ohio, 297 U.S. 431 (1936)]

"There is a distinction between citizenship of the United States\*\* and citizenship of a particular state, and a person may be the former without being the latter. "  
[Alla v. Kornfeld, 84 F.Supp. 823 (1949) headnote 5, emphasis added]

"A person may be a citizen of the United States\*\* and yet be not identified or identifiable as a citizen of any particular state."  
[Du Vernay v. Ledbetter, 61 So.2d. 573 (1952), emphasis added]

"On the other hand, there is a significant historical fact in all of this. Clearly, one of the purposes of the 13th and 14th Amendments and of the 1866 act and of section 1982 was to give the Negro citizenship. . ."  
[Jones v. Alfred H. Mayer Co., 379 F.2d. 33, 43 (1967)]

"[W]e find nothing...which requires that a citizen of a state must also be a citizen of the United States, if no question of federal rights or jurisdiction is involved."  
[Crosse v. Bd. of Supvrs of Elections, 221 A.2d. 431 (1966)]

If you would like to learn more about citizenship, we encourage you to read:

[Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien](http://sedm.org/Forms/FormIndex.htm), Form #05.006, Sections 2 and 3  
<http://sedm.org/Forms/FormIndex.htm>

If you would like a simplified presentation that addresses the subject of this session for neophytes, see:

[Why the Fourteenth Amendment is Not a Threat to Your Freedom](http://sedm.org/Forms/FormIndex.htm), Form #08.015  
<http://sedm.org/Forms/FormIndex.htm>

If you would like to read an excellent debate between a freedom fighter who advocates the flawed argument addressed by this section and this ministry, please read:

Family Guardian Forum 7.1: Citizenship, Domicile, and Nationality  
<http://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/71-citizenship-domicile-and-nationality/>

### **20.3.3 Being a “national” doesn’t circumvent governmental extraterritorial jurisdiction<sup>133</sup>**

#### **STATEMENT:<sup>134</sup>**

Patriot Mythology – Part I

State Nationals

**WARNING!** Read carefully. Changing your status to State National or American State National may NOT provide the protection from government you have been told.

There is no question that status is an important concept in law. As you will see below, the status of a “State National” or “American State National” will NOT provide you with immunity from prosecution by government.

Without further ado, let’s explore some statutes, definitions and case law to find out if being a State National is your ticket to regaining your lost freedom.

<sup>133</sup> SOURCE: [Family Guardian Forums, Forum 7.1.4: Citizenship Questions, Confusion, and Disinformation;](https://famguardian.org/forums/topic/patriot-mythology-part-1-state-national/)  
<https://famguardian.org/forums/topic/patriot-mythology-part-1-state-national/>.

<sup>134</sup> SOURCE: <https://iamhassentmetoyou.substack.com/p/state-nationals?s=r>



1 Let's start with the definition of "national" in the United States Code at 8 U.S.C. 1101 (21),

2 *8 U.S.C. 1101 (21). The term "national" means a person owing permanent allegiance to a state.*

3 I'm not going into the legal concept of person here because the Informer did an excellent job in his article titled "Person"  
4 published back in the 1990s. Yes folks, the Informer was that far ahead of us all. If you haven't read Person, I recommend  
5 reading it at least 10 times in different sittings to let it all sink in.

6 Now let's look at the definition of allegiance because it seems that many people don't understand exactly what it means and  
7 how it binds them.

8 *ALLEGIANCE. Obligation of fidelity and obedience to government in consideration for protection that*  
9 *government gives. U. S. v. Kuhn, D.C.N.Y., 49 F.Supp. 407, 414.*  
10 *[Black's Law Dictionary, 4th Ed.]*

11

12 *ALLEGIANCE,*

13 *n. The tie or obligation of a SUBJECT to his Prince or government; the duty of fidelity to a king, government or*  
14 *state. Every native or citizen owes allegiance to the government under which he is born. This is called natural or*  
15 *implied allegiance, which arises from the connection of a person with the society in which he is born, and his*  
16 *duty to be a faithful subject, independent of any express promise. Express allegiance, is that obligation which*  
17 *proceeds from an express promise, or oath of fidelity.*

18 *Local or temporary allegiance is due from an alien to the government or state in which he resides. Blackstone.*  
19 *[Webster's 1828 Dictionary. [Emphasis added.]]*

20 I'm going to interrupt here to point out a serious problem with Anna von Reitz's teachings. In a conversation with a state  
21 assembly member, I was told Anna teaches that a citizen is one who owes allegiance and obligation. A national has a  
22 loyalty/vested interest to their land, but NO obligation to any government other than to uphold the public law and live  
23 peaceably. After reading the above definitions of allegiance, I hope it is clear to you that Anna's statement about nationals is  
24 not supported by the definitions or common sense. Ask yourself, does the definition of allegiance convey any concept of an  
25 obligation or obedience to land, or is it specifically focused on a relationship to government?

26 Let's move on...

27 *SUBJECT,*

28 *n. 1. One that owes allegiance to a sovereign and is governed by his laws. The natives of Great Britain are*  
29 *subjects of the British government. The natives of the United States, and naturalized foreigners, are subjects of*  
30 *the federal government. Men in free governments, are subjects as well as citizens; as citizens they enjoy rights*  
31 *and franchises; as subjects, they are bound to obey the laws.*

32 *The subject must obey the prince, because God commands it, and human laws require it. Swift.*  
33 *[Webster's 1828 Dictionary]*

34 I hope you're starting to understand that a "national" is the subject of a state (government) and is thus subservient to it.

35 Being a national does not provide you with diplomatic immunity as the guru's tell you. Instead, it expressly puts you under  
36 the jurisdiction of the state. In the best case, you may escape federal jurisdiction with the argument they propose, but then  
37 you will be left answering to state laws.

38 Some may argue this is a move in the right direction, but I see it as a lateral move. By calling yourself a State National, you  
39 just confirmed to an officer or judge that they are correct in applying the state's statutes to you because you owe obedience to  
40 its laws by being one of its nationals. Once jurisdiction has been obtained by the court, which you just agreed to by calling  
41 or declaring yourself their national, you are now guilty until you can prove your innocence.

42 Here's some proof from the courts that nationals come under their jurisdiction which support my statements above. Just think,  
43 if a country has jurisdiction over actions of its nationals while abroad, what would make you think that they wouldn't have  
44 jurisdiction over their nationals at home?

1                   *"Extraterritorial jurisdiction is also proper under the nationality theory, which permits a country to apply its*  
2                   *statutes to extraterritorial acts of its own nationals."*  
3                   *[US v. Hill, 279 F.3d. 731 (2002)]*

4                   *"International law permits a country to apply its statutes to extraterritorial acts of its nationals. (Citations*  
5                   *omitted.) In this case counsel conceded at oral argument that Thomas is an American national. We, therefore,*  
6                   *conclude that section 2251(a) applies to the acts on which Thomas' conviction for violating this section was*  
7                   *based, whether or not Thomas committed those acts in the United States."*  
8                   *[US v. Thomas, 893 F.2d. 1066 (1990)]*

9       In this last case, you can see that calling oneself an "American national" was all that was needed for the court to exercise  
10       jurisdiction. Do you really think stating that you are an "American State National" will in some way have any different result?

## 11       **Wrapping Up**

12       The next time you see someone talking about submitting paperwork to change their status to an American State National,  
13       State National or ASN, send them a link to this article and quiz them on their comprehension.

14       As for me, I will never claim to be a National.

## 15       **REBUTTAL:**

16       First of all:

- 17       1.   We don't claim that a national is someone who owes loyalty/allegiance to their land as Anna Von Reitz does.
- 18       2.   We don't claim that that being a "national" provides immunity from prosecution by the government.

19       Therefore, we aren't here to defend Anna Von Reitz's position and we agree with the author on the above subjects anyway.

20       Aside from these distractions, the author misses the following key points:

- 21       1.   The fact that someone owes allegiance by virtue of birth cannot establish a civil statutory obligation. Birth is  
22       involuntary and obligations require consent in some form. That's the implication of the Declaration of Independence:  
23       consent of the governed.
- 24       2.   The obedience required of those having allegiance is, in essence, the obligation to participate in the draft and obey the  
25       criminal laws and the common law and nothing else we are aware of. It DOES NOT include obedience to CIVIL  
26       STATUTORY protection franchise statutes.
- 27       3.   The author confuses the GOVERNMENT with the STATE as though they are synonymous when in fact are not. The  
28       state is legally defined in Black's Law Dictionary as "a people occupying a territory and bound together by custom into  
29       one body politic". The GOVERNMENT is a corporation that serves the STATE and is created by the constitution OF  
30       that state.
- 31       4.   Allegiance is owed to the sovereign state and NOT to the government. That state consists of INDIVIDUAL PEOPLE  
32       and not a collective masquerading as a corporation called the GOVERNMENT.
- 33       5.   To owe allegiance to a state comprised of individual PEOPLE is a fulfillment of the second of the two great  
34       commandments given by Jesus in Matt. 22:34-40 to love your god and love your neighbor as yourself.  
35       <https://www.biblegateway.com/passage/?search=Matthew%2B22&version=NKJV>

36       God COMMANDS you to love your neighbor, and allegiance is the EXPRESSION of that love. If you don't love your  
37       neighbor, you disobey God.

38       But what does it mean to "love your neighbor"? It means to NOT hurt him physically or steal his stuff. That love expresses  
39       itself as obedience to the CRIMINAL laws, not the CIVIL protection franchise statutes. Civil statutes are voluntary because  
40       they impose obligations beyond merely repaying people for common law damages they have suffered from you. The common  
41       law provides that protection and the civil law isn't necessary for that level of protection. See:

<p><i>Why Domicile and Becoming a "Taxpayer" Require Your Consent</i>, Form #05.002 <a href="https://sedm.org/Forms/05-MemLaw/Domicile.pdf">https://sedm.org/Forms/05-MemLaw/Domicile.pdf</a></p>
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1 A VOLUNTARY domicile that IS the manifestation of consent is necessary to be subject to the CIVIL STATUTORY LAW  
2 but NOT to the criminal law or the common law. Criminal law and common law obedience is NOT voluntary and can be  
3 forced upon you WITHOUT your consent. Obedience to these two things is NOT optional and is the ONLY thing implied  
4 by having “allegiance” as a “national” or a “state national”.

5 As far as extraterritorial jurisdiction over nationals, that is optional. Under the law of nations, a CITIZEN, not a NATIONAL,  
6 represents the state they are a member of.

7 *The Law of Nations, Book II: Of a Nation Considered in Her Relation to Other States*

8 § 81. *The property of the citizens is the property of the nation, with respect to foreign nations.*

9 *Even the property of the individuals is, in the aggregate, to be considered as the property of the nation, with*  
10 *respect to other states. It, in some sort, really belongs to her, from the right she has over the property of her*  
11 *citizens, because it constitutes a part of the sum total of her riches, and augments her power. She is interested in*  
12 *that property by her obligation to protect all her members. In short, it cannot be otherwise, since nations act and*  
13 *treat together as bodies in their quality of political societies, and are considered as so many moral persons. All*  
14 *those who form a society, a nation being considered by foreign nations as constituting only one whole, one single*  
15 *person, — all their wealth together can only be considered as the wealth of that same person. And this is to true,*  
16 *that each political society may, if it pleases, establish within itself a community of goods, as Campanella did in*  
17 *his republic of the sun. Others will not inquire what it does in this respect: its domestic regulations make no*  
18 *change in its rights with respect to foreigners nor in the manner in which they ought to consider the aggregate of*  
19 *its property, in what way soever it is possessed.*

20 [The Law of Nations, Book II, Section 81, Vattel; SOURCE:

21 [http://famguardian.org/Publications/LawOfNations/vattel\\_02.htm#§ 81. The property of the citizens is the](http://famguardian.org/Publications/LawOfNations/vattel_02.htm#§81.The%20property%20of%20the%20citizens%20is%20the%20property%20of%20the%20nation%20with%20respect%20to%20foreign%20nations.)  
22 [property of the nation, with respect to foreign nations.](http://famguardian.org/Publications/LawOfNations/vattel_02.htm#§81.The%20property%20of%20the%20citizens%20is%20the%20property%20of%20the%20nation%20with%20respect%20to%20foreign%20nations.)]

23 Those who REFUSE the BENEFIT of extraterritorial protection by applying for a passport that WAIVES all extraterritorial  
24 protection would not be the subject of this “theory”. Here is an example:

25 *The Law of Nations, Book I: Of Nations Considered in Themselves*

26 § 223. *Cases in which a citizen has a right to quit his country.*

27 *There are cases in which a citizen has an absolute right to renounce his country, and abandon it entirely — a*  
28 *right founded on reasons derived from the very nature of the social compact.*

29 *1. If the citizen cannot procure subsistence in his own country, it is undoubtedly lawful for him to seek it elsewhere.*  
30 *For, political or civil society being entered into only with a view of facilitating to each of its members the means*  
31 *of supporting himself, and of living in happiness and safety, it would be absurd to pretend that a member, whom*  
32 *it cannot furnish with such things as are most necessary, has not a right to leave it.*

33 *2. If the body of the society, or he who represents it, absolutely fail to discharge their obligations [of protection]*  
34 *towards a citizen, the latter may withdraw himself. For, if one of the contracting parties does not observe his*  
35 *engagements, the other is no longer bound to fulfil his; as the contract is reciprocal between the society and its*  
36 *members. It is on the same principle, also, that the society may expel a member who violates its laws.*

37 *3. If the major part of the nation, or the sovereign who represents it, attempt to enact laws relative to matters in*  
38 *which the social compact cannot oblige every citizen to submission, those who are averse to these laws have a*  
39 *right to quit the society, and go settle elsewhere. For instance, if the sovereign, or the greater part of the nation,*  
40 *will allow but one religion in the state, those who believe and profess another religion have a right to withdraw,*  
41 *and take with them their families and effects. For, they cannot be supposed to have subjected themselves to the*  
42 *authority of men, in affairs of conscience;<sup>3</sup> and if the society suffers and is weakened by their departure, the*  
43 *blame must be imputed to the intolerant party; for it is they who fail in their observance of the social compact —*  
44 *it is they who violate it, and force the others to a separation. We have elsewhere touched upon some other*  
45 *instances of this third case, — that of a popular state wishing to have a sovereign (§ 33), and that of an*  
46 *independent nation taking the resolution to submit to a foreign power (§ 195).*

47 [The Law of Nations, Book I, Section 223, Vattel; SOURCE:

48 [http://famguardian.org/Publications/LawOfNations/vattel\\_01.htm#§%20223.%20Cases in which a citizen has a right to quit his country](http://famguardian.org/Publications/LawOfNations/vattel_01.htm#§%20223.%20Cases%20in%20which%20a%20citizen%20has%20a%20right%20to%20quit%20his%20country.)]

49 The law of nations is based on CITIZEN status, not NATIONAL status. The case cites provided by the author equivocate  
50 just like the author does, by making it appear that BOTH are equivalent in law when in fact they are NOT. Note the following  
51 language:

52 *“Because Charlie and Hill are both citizens [NOT nationals, but CITIZENS, which is CONSENSUAL] of the*  
53 *United States, their criminal acts outside the United States may be punished in the United States.”*  
54 *[United States v. Hill, 279 F.3d. 731]*

Under the common law, you have a right to NOT receive a “benefit”, and that right extends to NOT receiving PROTECTION while abroad or extraterritorially if you don’t want it. Likewise, you have a RIGHT to not consent to BE a citizen or to receive the privileges or immunities of said status, since it is voluntary and those who refuse to volunteer retain the INVOLUNTARY part of their citizenship, which is that of a “national”. Both of these benefits are waived during the passport application process used by our members.

Finally, if they won’t recognize your right to waive the benefit of extraterritorial protection, then they are a MAFIA PROTECTION RACKET engaged in criminal international human trafficking, which is a crime under the law of nations and the UN charter on human rights.

## **CONCLUSION:**

In conclusion, the author’s naivete on the distinctions between CIVIL law and CRIMINAL law, and which type of obedience is implied by allegiance to WHICH of these two systems of law is the main source of their confusion. By failing to recognize these distinctions, they are lumping ALL law together and thus EQUIVOCATING by implying that obedience to BOTH is MANDATORY in the case of those having “allegiance”. More on this subject can be found at:

1. *Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
2. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*, Form #05.002  
<https://sedm.org/Forms/05-MemLaw/Domicile.pdf>
3. *Why Statutory Civil Law is Law for Government and Not Private Persons*, Form #05.037  
<https://sedm.org/Forms/05-MemLaw/StatLawGovt.pdf>

It’s kind of ironic that the purpose of the article was to stop disinformation, and yet it perpetuates EVEN MORE on the subject of jurisdiction and the implications of allegiance.

## **20.4 An alternative view of citizenship provided by one of our readers**

### **20.4.1 FALSE ALLEGATION**

Below is concise summary of the position that you are taking. Please let me know if my understanding of your position is not correct or if I have left anything out.

1. Between the three geographic United States, only one, United States\*, is a nation-state.
2. The territory of the United States\* is subdivided into two main territories in which one can be domiciled in: United States\*\* and United States\*\*\*. United States\*\* and United States\*\*\* are NOT states, but rather are only territorial divisions of United States\* for purposes of having different civil statuses.
3. United States\* is also known as United States of America. United States\* holds all external sovereign power in the country and issues all passports.
4. Anyone born within United States\* is a Constitutional “citizen of the United States” per 14<sup>th</sup> Amendment , and “national” of the United States of America per 8 U.S.C. §1101(a)(21); the three political statuses mean the same and describe the same people, a body politic.

Below is concise summary of the position that I am taking.

1. The United States\* is NOT a nation-state. In the past SEDM has fairly consistently described United States\* as a country. But “country” is not an accurate description of United States\* since it means a nation-state or the territory of a nation-state. The Supreme Court ruling of Chisholm v. Georgia ruling referred to the United States\* as a “society, NOT a Nation”. A “society” certainly makes sense when you consider that on the territory of United States\*, there are, in addition to the sovereign nation-states of United States\*\*\* and United States\*\*, numerous sovereign nations of native North American Indian tribes, each with their own territory, people, government and laws. But to keep things simple and to focus on the rift in opinions at SEDM, let’s not consider the nation-states of the native North American Indian tribes in this debate. I will use “society” to describe United States\* in this debate.

*“country. 1. A nation or political state. 2. The territory of such a nation or state. “*  
*[Black’s Law Dictionary, 7<sup>th</sup> Ed.]*

2. The territory of the society United States\* is subdivided into two nation-states: United States\*\* and United States\*\*\*. Each nation state has its own territory, nationals, domiciliaries, government, and municipal laws.
3. United States\*\* has a legislative democratic form of government in which the government is sovereign over its people. The government of the United States\*\* is the national government of the United States\*\*. United States\*\* consists of federal land only and excludes all Constitutional Union states.
4. Anyone born in the United States\*\* is a “national of the United States\*\*” per 8 U.S.C. §1101(a)(22) but NOT a “national” of the United States of America per 8 U.S.C. §1101(a)(21) NOR a Constitutional “citizen of the United States\*\*\*” per 14<sup>th</sup> Amendment.
5. “national of the United States\*\*\*” who are domiciled within United States\*\*, but NOT within the “outlying possessions” are statutory “citizen of the United States” per 8 U.S.C. §1101(a)(22)(A) and 8 U.S.C. §1401.
6. “national of the United States\*\*\*” who are not domiciled within United States\*\*, American Samoa excluded, are “non-citizen nationals of the United States\*\*” per 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1408
7. The United States\*\*\* has a constitutional republic form of government in which the People born in a Constitutional Union states are sovereign and NOT the governments that serve the People. The government of the United States\*\*\* is the Federal government of the Union. United States\*\*\* consists of the collective states united by and under the U.S. Constitution and excludes all federal land. United States\*\*\* is also known as the United States of America, and is so named in the Articles of Confederation and in the preamble to the U.S. Constitution.
8. Anyone born in a Constitution Union state is a Constitutional “citizen of the United States\*\*\*” per 14<sup>th</sup> Amendment and a “national” of the United States of America” per 8 U.S.C. §1101(a)(21) and a “national of the United States\*\*” per 8 U.S.C. §1101(a)(22)
9. “nationals” of the United States\*\*\* of America who are NOT domiciled within the United States\*\* are non-resident non-persons relative to the United States\*\*.
10. “nationals” of the United States\*\*\* of America who ARE domiciled within the United States\*\* are “citizens of the United States\*\*\*” per 26 U.S.C. §1101(a)(22)(A) but not “nationals and citizens of the United States\*\* at birth” under 8 U.S.C. §1401.

It is clear that we do not agree. So let’s try to discover the source of our disagreement. Below I have made a sequence of simple statements to help in the discovery process. Please either agree or disagree to each of the statements. If you disagree, then please provide your legal proof/evidence for why a statement which you disagree with is incorrect. Also, this discovery process will be useful only to the degree that you participate; so please respond to each of the below listed statements. Due to the high number of statements below, I suggest that you downloaded the attached file containing the very same statements, write your responses in the file below each statement using a different font color, and then attached the file containing you responses to the forum.

1. Everyone is born with both a political status.
2. A person’s nationality is their political status, which denotes membership in some specific nation.
3. The reciprocal obligations of nationality are allegiance and protection. The member owes allegiance to their nation and, in exchange for their allegiance, the nation is obligated to protect its members.

*“Nationality. That quality or character which arises from the fact that a person’s belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status. Nationality arises either by birth or by nationalization. See also Naturalization.”*

*[Black’s Law Dictionary, Sixth Edition, p. 1025]*

*“There cannot be a nation without a people. The very idea of a political community such as a nation is implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are in this connection reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance.”*

*[Minor v. Happersett, 88 U.S. 162 (1874)]*

4. Individually, the members of a nation are called “nationals”, “citizens”, or “subjects”.
5. Collectively, the members of a nation are the body politic of the nation and are referred to as “the people”, “the nation”. The people are the state, and the name of the state is the name of its collective members.

*“BODY POLITIC, government, corporations. When applied to the government this phrase signifies the state.*



2. As to the persons who compose the body politic, they take collectively the name, of people, or nation; and individually they are citizens, when considered in relation to their political rights, and subjects as being submitted to the laws of the state.

3. When it refers to corporations, the term body politic means that the members of such corporations shall be considered as an artificial person.”  
[Bouvier’s Law Dictionary, 6th Ed (1856)]

6. The rule for determining the nationals of a nation are set by each nation itself.
7. The civil status of a person is universally governed by the single principle of domicile and the criteria for determining domicile is established by international law.

“The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions: one, by virtue of which he becomes the subject of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status. And then, while maintaining that the civil status is universally governed by the single principle of domicil, domicilium, the criterion established by international law for the purpose of determining civil status, and the basis on which the personal rights of the party, that is to say, the law which determines his majority or minority, his marriage, succession, testacy or intestacy, must depend, he yet distinctly recognized that a man’s political status, his country, patria, and his ’nationality, that is, natural allegiance,’ ’may depend on different laws in different countries.’ Pp. 457, 460. He evidently used the word “citizen” not as equivalent to “subject,” but rather to “inhabitant,” and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects.”  
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

8. A person’s domicile is their permanent legal address in some specific legislative/civil jurisdiction. The requirement to establish domicile is a physical presence in the legislative/civil jurisdiction, either presently or at some point in the past, and the intention to make the place your permanent home. Once a person consents to the CIVIL jurisdiction, they automatically enter a social compact, or contract, in which they agree to become subject to the civil statutes of the jurisdiction for the common good of all. Any place that a person lives, which is not their domicile, is legally, just a temporary residence, even if the person lives there year round for many years. At any one time, a person can have several temporary residences but only one domicile/permanent residence. A person’s domicile may be outside of the nation of their nationality. A person’s domicile determines the jurisdiction of the taxing authorities.
9. The words “citizen”, “resident”, “inhabitant” AND “person” in the context of civil statutes can be used to mean a domiciliary of some specific jurisdiction.

“In the constitution and laws of United States the word ‘citizen’ is generally, if not always, used in a political sense, to designate one who has the rights and privileges of a citizen of a state or of the United States. It is so used in section 1 of article 14 of the amendments of the constitution, which provides that “all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizen of the United States and of the state wherein they reside.” But it is also sometimes used in a popular language to indicate the same thing as resident, inhabitant, or person. [emphasis added]  
[Baldwin v. Franks, 120 U.S. 678 (1887)]

10. The term “United States”, in the context of the Constitution, means collectively the states united by and under the Constitution and will be referred to as “United States\*\*\*” herein.
11. The rules for determining nationals of United States\*\*\* are contained in the 14th Amendment of the Constitution.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. “  
[United States Constitution, Amendment 14, Section 1]

12. To be “subject to the jurisdiction”, as used in the 14<sup>th</sup> Amendment, means to be completely subject to the political jurisdiction of the United States\*\*\*.
13. To be subject to the political jurisdiction of the United States\*\*\* means to have allegiance to the United States\*\*\* and to be completely subject means to have allegiance ONLY to the United States\*\*\* and to NO OTHER nation-state.
14. The phrase “subject to the jurisdiction”, as used in the 14<sup>th</sup> Amendment, is intended to exclude from its operation children of ministers and consuls born within the United States\*\*\*. Children of foreign nationals born within the United States\*\*\* is another possible intended exclusion. But this exclusion has been doubted and has not yet been settled.

15. The word “citizen”, as used in the phrase “citizen[\*] of the United States[\*\*\*]” found in the 14th Amendment, is a political status and means a national, a member of the nation United States\*\*\*. To help avoid confusion, where possible, I will refer to the Constitutional “citizen of the United States\*\*\*” as a national of the United States\*\*\* herein.

*“This section contemplates two sources of citizenship, and two sources only: birth and naturalization. The persons declared to be citizens are “all persons born or naturalized in the United States, and subject to the jurisdiction thereof.” The evident meaning of these last words is not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction, and owing them direct and immediate allegiance. And the words relate to the time of birth in the one case, as they do to the time of naturalization in the other. Persons not this subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired. To be “completely subject” to the political jurisdiction of the United States is to be in no respect or degree subject to the political jurisdiction of any other government.”*

[ . . . ]

Mr. Justice Miller, indeed, while discussing the causes which led to the adoption of the Fourteenth Amendment, made this remark:

*The phrase, “subject to its jurisdiction” was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States.”*  
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

16. The **ONLY** way that one may acquire the Constitutional status of “citizen of the United States[\*\*\*] **AT BIRTH** is by being “born in the United States[\*\*\*]”.

17. The phrase “born in the United States[\*\*\*]” means born on territory which is under the legislative jurisdiction of one of the Constitutional Union states. Those born in the United States\*\*\* are born in allegiance to and are under the protection of the United States\*\*\*.

*“The foregoing considerations and authorities irresistibly lead us to these conclusions: the Fourteenth Amendment affirms the ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes.”*  
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

18. The definitions contained in Subsection (a) of Section 1101 of Title 8 apply to all of Title 8, Chapter 12 (Sections 1101 through 1537 of Title 8)

Title 8 - Aliens and Nationality  
Chapter 12 - IMMIGRATION AND NATIONALITY (§§ 1101 - 1537)  
Subchapter I - GENERAL PROVISIONS (§§ 1101 - 1107)  
§1101. Definitions  
(a) As used in this chapter—

19. That the definition of the term “United States” that applies to Title 8, Chapter 12 is found at 8 U.S.C. §1101(a)(38).

*8 U.S.C. §1101(a)(38) The term “United States”, except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.*

20. That the phrase “**continental United States, Alaska, Hawaii**”, as used in 8 U.S.C. §1101(a)(38), appears to be describing the collective Constitutional Union states and therefore, this section of code would appear to be describing the society United States\*.

21. The C.F.R. is an interpretation of the code made by the executive branch of government, interpreted in the context of the Constitutional restrictions placed on the government. The C.F.R. will often contain more details than the Code and will also contain whatever rewording is needed to keep the regulation within the bounds to the Constitution.

22. The Parallel Table of Authority and Rules indicate that 8 C.F.R. part 215 pertains to Title 8 Section 1101 of the Code.

23. The term “continental United States” as used in 8 U.S.C. §1101(a)(38) is defined at 8 C.F.R. §215.1(f)

1 8 C.F.R. §215.1(f) The term continental United States means the District of Columbia and the several States,  
2 except Alaska and Hawaii.

- 3 24. In the context of federal law, the word “State”, when capitalized, refers to the territories of the U.S. government, and  
4 the phrase “several “States””, when the word “State” is capitalized refers to the collective “States” of the United States  
5 government or, in other words, the collective territories of the United States government.  
6 25. For Title 8, Chapter 12, the term “State” is defined at 8 U.S.C. §1101(a)(36).

7 8 U.S.C. §1101 Definitions

8 (a) As used in this chapter—

9 (36) State [naturalization]

10 The term “State” includes the District of Columbia, Puerto Rico, Guam, and the Virgin Islands of the United  
11 States[\*\*].

- 12 26. After you substitute the collective “States” included in the definition of “State” per 8 U.S.C. §1101(a)(36) for the  
13 phrase “several States” found in 8 C.F.R. §215.1(f) and then remove all duplicated terms, you end up with the below  
14 shown simplified meaning of term “continental United States”.

15 Continental United States (simplified from 8 C.F.R. §215.1(f)) means the District of Columbia, Puerto Rico,  
16 Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

- 17 27. After you substitute the above simplified definition for the term “continental United States” for the same term found in  
18 8 U.S.C. §1101(a)(38) and then remove all duplicated terms, you end up with the below shown simplified meaning of  
19 the term “United States”.

20 United States (simplified from 8 U.S.C. §1101(a)(38)) The term “United States”, except as otherwise specifically  
21 herein provided, when used in a geographical sense, means the District of Columbia, Alaska, Hawaii, Puerto  
22 Rico, Guam, and the Virgin Islands of the United States.

- 23 28. Prior to joining the Union in the 1950s, Alaska and Hawaii, were territories of the United States government. Since  
24 they are no longer territories of the U.S. government, they should not appear in the definition of United States pursuant  
25 to 8 U.S.C. §1101(a)(38) if Congress had intended to describe United States\*\*  
26 29. Legislative notes for Title 8 of the U.S. Code (titled “Aliens and Nationality”) reveal that Title 8 is primarily derived  
27 from the Immigration and Nationality Act of 1940, which was written and codified BEFORE Alaska and Hawaii joined  
28 the Union.  
29 30. The Immigration and Nationality Act of 1940 is an “Act of Congress” which is locally applicable to the United  
30 States\*\*. This would confirm/indicate that the term “United States”, as defined in Title 8, Chapter 12 must include  
31 ONLY federal territory and must exclude all Constitution Union states.  
32 31. The executive branch realized that Alaska and Hawaii were no longer territories of the United States government when  
33 they wrote the implementing regulation for Title 8, Chapter 12 and therefore, they had to redefine the term “United  
34 States” at 8 C.F.R. §215.1(e) to remove Alaska and Hawaii in order to keep the definition at 8 C.F.R. §215.1(e) within  
35 the bounds of the Constitution. Notice also that they explicitly included American Samoa and Swain Islands in 8  
36 C.F.R. §215.1(e).

37 8 C.F.R. §215.1(e) - The term United States means the several States, the District of Columbia, the Canal Zone,  
38 Puerto Rico, the Virgin Islands, Guam, American Samoa, Swains Island, the Trust Territory of the Pacific Islands,  
39 and all other territory and waters, continental and insular, subject to the jurisdiction of the United States.

- 40 32. After you substitute the collective “States” included in the definition of “State” per 8 U.S.C. §1101(a)(36) for the  
41 phrase “several States” found in 8 C.F.R. §215.1(e) and then remove all duplicated terms, you end up with the below  
42 shown simplified meaning of term “United States”.

43 United States (simplified from 8 C.F.R. §215.1(e)) means District of Columbia, Puerto Rico, Guam, the USVI,  
44 CNMI, the Canal Zone, American Samoa, Swains Islands, the Trust Territory of the Pacific Islands, and all other  
45 territory and waters, continental and insular, subject to the jurisdiction of the United States.

- 46 33. The term “United States” per 8 C.F.R. §215.1(e) means federal land only and excluded all Constitutional Union states.

34. The definition of “United States” pursuant to 8 C.F.R. §215.1(e) is the definition that is applicable to all of Title 8, Chapter 12 (Sections 1101 through 1537 of Title 8).
35. The use of the term “continental United States” in 8 U.S.C. §1101(a)(38) and then defining that term at 8 C.F.R. §215.1(f) to be only federal territory is a strong indication that there was an intention by Congress to deceive the sovereign “nationals” of the United States of America per 8 U.S.C. §1101(a)(21) in order to usurp power from them. This becomes especially clear when you consider that Alaska and Hawaii joined the Union over 60 years ago; yet, Congress still has not corrected 8 U.S.C. §1101(a)(38) to reflect this fact. By leaving the terms “Alaska” and “Hawaii” in 8 U.S.C. §1101(a)(38), it is easier for Congress to deceive the people into falsely thinking that the definition for “United States” per 8 U.S.C. §1101(a)(38) includes the Constitutional Union states.
36. The term “United States”, as defined in 8 C.F.R. §215.1(e), will be referred to as “United States\*\*\*” herein.
37. The nationals of the United States\*\* are identified in 8 U.S.C. §1101(a)(22).
38. 8 U.S.C. §1401 and 8 U.S.C. §1408 contain the rules for obtaining the nationality of United States\*\* at birth. These sections of code all fall in Title 8, Chapter 12; hence, the definition of “United States” per 8 C.F.R. §215.1(e) applies to these sections of code.

**8 U.S.C. §1401** *The following shall be **nationals and citizens of the United States at birth**:*

(a) a person **born in the United States**, and **subject to the jurisdiction thereof**;

(b) a person born in the United States to a member of an Indian, Eskimo, Aleutian, or other aboriginal tribe: Provided, that the granting of citizenship under this subsection shall not in any manner impair or otherwise affect the right of such person to tribal or other property;

(c) a person born outside of the United States and its outlying possessions of parents both of whom are citizens of the United States and one of whom has had a residence in the United States or one of its outlying possessions, prior to the birth of such person;

...

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8 U.S.C. §1101(a)(29)

The term “**outlying possessions of the United States**” means American Samoa and Swains Island.

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**8 U.S.C. §1408**

Unless otherwise provided in section 1401 of this title, the following shall be **nationals, but not citizens, of the United States at birth**:

(1) A person **born in an outlying possession** of the United States on or after the date of formal acquisition of such possession;

(2) A person born outside the United States and its outlying possessions of parents both of whom are nationals, but not citizens, of the United States, and have had a residence in the United States, or one of its outlying possessions prior to the birth of such person;

...

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**8 U.S.C. §1101(a)(22)**

The term “**national of the United States[\*]**” means

(A) a citizen of the United States[\*\*], or

(B ) a person who, though not a citizen of the United States[\*\*], owes permanent allegiance to the United States[\*].

39. The phrase “nationals and citizens[\*] of the United States[\*\*] at birth”, as used in 8 U.S.C. §1401, describes the political status of “nationals of United States\*\*”.
40. The phrase “at birth”, as used in 8 U.S.C. §1401, is not part of the named statuses assigned in 8 U.S.C. §1401, but rather it is used merely to designate that the conditions contained in the sub-sections of 8 U.S.C. §1401 are the conditions for obtaining the assigned statuses **at the time of one’s birth**. After one’s birth, a person may gain or lose the statuses described in 8 U.S.C. §1401.
41. As used in the context of 8 U.S.C. §1401, the word “citizen” is a political status and means a citizenship, meaning MEMBERSHIP in the national political community.
42. The phrase “born in the United States[\*\*]”, as used 8 U.S.C. §1401(a), means born on any territory of the United States\*\*, which territory is described in 8 C.F.R. §215.1(e) and includes only federal territory but excludes all constitutional Union states.
43. The phrase “**subject to the jurisdiction thereof**”, as used 8 U.S.C. §1401(a), means to be completely **subject to the political jurisdiction** of the United States\*\*. SEDM has always asserted that this phrase means subjected to their **legislative jurisdiction**. Can SEDM prove that the phrase “**subject to the jurisdiction thereof**”, as used 8 U.S.C. §1401(a), means subject to the **legislative and NOT political jurisdiction**? I am asserting that it means political jurisdiction, the same as in the 14th Amendment, for the following two reasons. In the Supreme Court ruling of U.S. v. Wong Kim Ark, citizenship by birth is described as “**the ancient and fundamental rule of citizenship by birth within the territory, IN ALLEGIANCE**”. This ruling is specifically addressing 14th Amendment citizenship. But the fact that the by birth is method of acquiring nationality is described as “**the ancient and fundamental rule**” makes it sound like this is the universally accepted to mean the same thing, which is “to be completely subject to the political jurisdiction” since in involves allegiance. Also, the Foreign Affairs Manual (F.A.M.), Department of State, Volume 8, Section 301.1, appears to confirm that the common law of Jus Soli (the law of the soil) for acquiring nationality at birth is embodied in both the 14th Amendment and the statutes (8 U.S.C. §1401). This would imply phrase “**subject to the jurisdiction thereof**”, as used 8 U.S.C. §1401(a), must be interpreted to mean the same as it does in the 14th Amendment, which is completely subject to the political jurisdiction. Please comment on this important issue.

*“The foregoing considerations and authorities irresistibly lead us to these conclusions: the Fourteenth Amendment affirms the **ancient and fundamental rule of citizenship by birth within the territory, in the allegiance and under the protection of the country**, including all children here born of resident aliens, with the exceptions or qualifications (as old as the rule itself) of children of foreign sovereigns or their ministers, or born on foreign public ships, or of enemies within and during a hostile occupation of part of our territory, and with the single additional exception of children of members of the Indian tribes owing direct allegiance to their several tribes.”*  
[United States v. Wong Kim Ark, 169 U.S. 649 (1898)]

Department of State  
Foreign Affairs Manual  
8 F.A.M. §301.1 Introduction

*a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:*

*(1) **Jus soli (the law of the soil) - a rule of common law** under which the place of a person’s birth determines citizenship. In addition to common law, **this principle is embodied in the 14th Amendment to the U.S. Constitution** and the various U.S. citizenship and nationality statutes; and*

*(2) **Jus sanguinis (the law of the bloodline) - a concept of Roman or civil law** under which a person’s citizenship is determined by the citizenship of one or both parents. This rule, frequently called “citizenship by descent” or “derivative citizenship”, **is not embodied in the U.S. Constitution, but such citizenship is granted through statute**. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.*  
[8 Foreign Affairs Manual (F.A.M.), Section 301.1; <https://fam.state.gov/FAM/08FAM/08FAM030101.html>]

44. The phrase “subject to the jurisdiction thereof”, as used 8 U.S.C. §1401(a), is intended to exclude from its operation children born on U.S. Territory that do NOT have exclusively allegiance to the United States\*\* (the outlying U.S. possessions).
45. There are eight different conditions, at the time of birth, listed in 8 U.S.C. §1401 that one can obtain the statuses of “national of the United States\*\*” and “citizen of the United States\*\*”.
46. The persons identified at 8 U.S.C. §1101(a)(22)(A) have the same statuses of “national of the United States[\*\*]” and “citizen of the United States[\*\*]” which are described in 8 U.S.C. §1401. However, after birth, a person may acquire or



lose the statuses described in 8 U.S.C. §1401 and 8 U.S.C. §1101(a)(22)(A) describes the set of persons who currently hold the two statuses described in 8 U.S.C. §1401.

47. The above items which were applied to 8 U.S.C. §1401 may also be applied to 8 U.S.C. §1408 with some minor changes. The civil status described in 8 U.S.C. §1408 is “non-citizen of the United States\*\*\*”, and there are only 4 conditions at birth under 8 U.S.C. §1408 that a person acquires the statuses of “national of the United States\*\*\*” and “non-citizen of the United States\*\*\*”. The persons identified at 8 U.S.C. §1101(a)(22)(B) include “non-citizen of the United States\*\*\*” which are described in 8 U.S.C. §1408. However, after birth, a person may acquire or lose the statuses described in 8 U.S.C. §1408 and 8 U.S.C. §1452.
48. The “outlying possessions” per 8 U.S.C. §1101(a)(29) are included in the definition of “United States\*\* per 8 C.F.R. §215.1(e) and those born in the “outlying possession” are “nationals of the United States\*\*\*” **BUT NOT** “citizens of the United States\*\*\*” per 8 U.S.C. §1408. Also, the “outlying possessions” are the only inhabited territory of the United States\*\* which are not organized under an Organic “Act of Congress”. The only conclusion that can be drawn from this is that the “outlying possessions” must be a dependent nation of the “United States\*\* organized under its own laws for governing its own internal affairs, and having its own domiciliary citizens. Those born in the “outlying possessions would therefore have allegiance to both the United States\*\* AND the “outlying possession and hence, would be excluded from operation of 8 U.S.C. §1401 by the “subject to the jurisdiction of thereof” clause of 8 U.S.C. §1401.
49. There are two regions within the United States\*\* in which a person may establish their domicile:
- 1) the “outlying possessions” and
  - 2) the United States\*\*, excluding the “outlying possessions”. This includes federal territory.
50. The fact that both the Constitution and Title 8, Chapter 12 contains rules for establishing who are the nationals for United States\*\*\* and United States\*\* respectively, would indicate that both United States\*\*\* and United States\*\* are nation-states with a body politic and not just territorial sub-divisions of the United States\*.
51. The fact that the geographical definition of “United States\*\*\*” in the context of the Constitution is different from that in the context of Title 8, Chapter 12 tells us that the United States\*\*\* is a state that is distinct and mutually different from United States\*\*, and therefore the nationals of United States\*\*\*, known as Constitutional “citizen of the United States[\*\*\*]” under the Fourteenth Amendment, are different from the STATUTORY “nationals of the United States[\*\*]” per 8 U.S.C. §1101(a)(22). More properly, Constitutional citizens are SUBSET of those listed in 8 U.S.C. §1101(a)(22).
52. The fact that the rules for determining nationals at birth of the United States\*\*\* are different from the rules for determining nationals at birth of the United States\*\* confirms that the United States\*\*\* is a nation-state that is distinct and mutually different from United States\*\* and therefore the nationals of United States\*\*\*, known as Constitutional “citizen of the United States[\*\*\*]”, is different from the “nationals of the United States[\*\*]” per 8 U.S.C. §1101(a)(22). The below Slaughter-House case citing confirmed this when it clarified that those born in the District of Columbia, though within the United States\*\* are not Constitutional “citizens of the United States\*\*\*”:

*It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the States composing the Union [the topic is 14th Amendment citizenship]. **Those, therefore, who had been born and resided always in the District of Columbia or in the Territories, though within the United States[\*], were not [Constitutional “citizens of the United States\*\*\*”] citizens.***  
*[Slaughter-House Cases, 83 U.S. (16 Wall.) 36]*

53. The different rules for establishing nationality at birth between United States\*\*\* and United States\*\* that I have been discussing above are concisely confirmed and expressed in the Foreign Affairs Manual (F.A.M.), Department of State, Volume 8. Nationality of United States\*\* may be acquired at birth either by the common law of Jus Soli (the law of the soil) or by the Roman/civil law of Jus Sanguinis (the law of bloodline). Nationality of United States\*\*\* may be acquired at birth ONLY by the common law Jus Soli (the law of the soil).

*Department of State  
Foreign Affairs Manual  
8 F.A.M. §301.1 Introduction*

*a. U.S. citizenship may be acquired either at birth or through naturalization subsequent to birth. U.S. laws governing the acquisition of citizenship at birth embody two legal principles:*

*(1) **Jus soli (the law of the soil) - a rule of common law** under which the place of a person’s birth determines citizenship. In addition to common law, **this principle is embodied in the 14th Amendment to the U.S. Constitution** and the various U.S. citizenship and nationality statutes; and*

*(2) **Jus sanguinis (the law of the bloodline) - a concept of Roman or civil law** under which a person’s citizenship is determined by the citizenship of one or both parents. This rule, frequently called “citizenship by descent” or*

“derivative citizenship”, is not embodied in the U.S. Constitution, but such citizenship is granted through statute. As U.S. laws have changed, the requirements for conferring and retaining derivative citizenship have also changed.  
[8 Foreign Affairs Manual (F.A.M.), Section 301.1; <https://fam.state.gov/FAM/08FAM/08FAM030101.html> ]

54. During the colonial period, the 13 colonies formed a confederate union under the Article of Confederation called the “United States of America” and which was a perpetual Union that continues to exist today. The United States of America is a body corporate **AND politic.**

55. The United States of America is a “federal state” with a constitutional confederation form of government. Under the Articles of Confederation, each member state/colony governed all of its local matters themselves and all international matters were handled by the central confederation government. **No internal/domestic sovereign powers what-so-ever were granted to the confederation government.**

**composite state, A state that comprises an aggregate or group of constituent states.**

**federal state, A composite state in which the sovereignty of the entire state is divided between the central or federal government and the local governments of the several constituent states; a union of states in which the control of the external relations of all the member states has been surrendered to a central government so that the only state that exists for international purposes is the one formed by the union. Cf. confederation of states under CONFEDERATION.**

[Black’s Law Dictionary, 7 edition, 1999]

56. As a result of the separation from Great Britain by the colonies, acting as a unit, **the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America.** The Union became the sole possessor of international sovereign power within the nation. The nation body politic of the United States of America held all international sovereign powers of the nation and the Union states, taken individually, held no international sovereign powers.

As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America.  
[United States v. Curtiss-Wright Export Corp., 299 U.S. 304]

57. The body politic of the United States of America is the collective people from all of the Union states. These people, organized under the confederation central government, are called the “United States of America”.

58. Through the U.S. Constitution, the people of the United States of America re-organized themselves under a federal central government. Though the people were re-organized under a federal central government, the Union that existed prior to the Constitution is the same Union that presently exists. External/international sovereign power continues to be held solely by the Union and is unchanged except that the people have qualified its exercise via the U.S. Constitution. These same people, organized under the federal central government, are called the “United States\*\*\*”.

**The Union existed before the Constitution**, which was ordained and established, among other things, to form “a more perfect Union.” Prior to that event, it is clear that **the Union, declared by the Articles of Confederation to be “perpetual,” was the sole possessor of external sovereignty, and in the Union it remained without change save** insofar as the Constitution, in express terms, **qualified its exercise.** The Framers’ Convention was called, and exerted its powers upon the irrefutable postulate that, **though the states were several, their people, in respect of foreign affairs, were one.**  
[United States v. Curtiss-Wright Export Corp., 299 U.S. 304]

59. The United States\*\*\* is also a “federal state” with a constitutional republic federal form of government. Under U.S. Constitution, each member state governs all of its local matters themselves EXCEPT for those few enumerated powers delegated to the federal central government via the U.S. Constitution. All international matters are handled by the federal government.

60. The member states of the Union under the U.S. Constitution are the same member states of the Union under the Articles of Confederation. No territory of the United States government is included in the Union.

“‘But,’ said the Chief Justice, ‘as the act of Congress obviously used the word ‘state’ in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that **the members of the American confederacy only are the states contemplated in the Constitution**, . . . and excludes from the term the signification attached to it by writers on the law of nations.’ This case was followed in *Barney v. Baltimore*, 6 Wall. 280, 18 L. ed. 825, and

quite recently in *Hooe v. Jamieson*, 166 U.S. 395, 41 L. ed. 1049, 17 Sup. Ct. Rep. 596. The same rule was applied to citizens of territories in *New Orleans v. Winter*, 1 Wheat. 91, 4 L.Ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.'" [Downes v. Bidwell, 182 U.S. 244 (1901)]

61. The people/national body politic of the United States of America is the same people/national body politic of the United States\*\*\*. Therefore, the nation-state of United States of America is the same as nation-state as United States\*\*\* and United States\*\*\* is the sole possessor of international sovereign power within the Union.

"Whoever, then, was one of the people of either of these States when the Constitution of the United States was adopted, became ipso facto a citizen-member of the nation[of the United States\*\*\*] created by its adoption. He was one of the persons associating together to form the nation[ of the United States\*\*\*], and was, consequently, one of its original citizens." [Minor v. Happersett, 88 U.S. 162 (1874)]

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

62. The below cited Supreme Court ruling of The Chinese Exclusion Case refers to the federal government of the United States\*\*\* as the government of the Union and confirms United States\*\*\* is a nation which does possess external/international sovereign powers.

While under our Constitution and form of government [United States\*\*\*] the great mass of local matters is controlled by local authorities, the United States[\*\*\*], in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship are all sovereign powers, restricted in their exercise only by the Constitution [Only the federal government of the United States\*\*\* is restricted by the Constitution, there it is the federal government of the United States\*\*\* which this ruling clarifies possesses international sovereign power to declare war] itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations. As said by this Court in the case of *Cohens v. Virginia*, 6 Wheat. 264, 19 U.S. 413, speaking by the same great Chief Justice:

"That the United States [\*\*\*] form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one, and the government which is alone capable of controlling and managing their interests in all these respects is the government of the union [The government of the Union is the federal government of the United States\*\*\*. United States\*\*\* possesses international sovereign power to conduct war]. It is their government, and in that character they have no other. America has chosen to be in many respects, and to many purposes, a nation, and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects, it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory. The Constitution and laws of a state, so far as they are repugnant to the Constitution and laws of the United States, are absolutely void. These states are constituent parts of the United States. They are members of one great empire -- for some purposes sovereign, for some purposes subordinate." [The Chinese Exclusion Case, 130 U.S. 581 (1889)]

The control of local matters being left to local authorities, and national matters being entrusted to the government of the union [The government of the Union is the federal government of the United States\*\*\*. United States\*\*\* possesses international sovereign power govern national matters with other foreign sovereigns], the problem of free institutions existing over a widely extended country, having different climates and varied interests, has been happily solved. For local

1 interests, the several states of the union exist, but for national purposes, embracing our relations with foreign  
2 nations, we are but one people, one nation, one power."  
3 [The Chinese Exclusion Case, 130 U.S. 581 (1889)]

4 63. Finally by the very definition of a federal government given in Black's Law Dictionary, we see that only the central  
5 government of the Union possesses external sovereign power while the member states possess internal sovereign  
6 power to govern their internal domestic matters. This definition also makes the distinction between a confederation and  
7 federal central government in that in a confederation government, the member states only possess internal sovereign  
8 power and are therefore fully sovereign. While in a federal government, the member states have delegated some  
9 internal sovereign power to the federal government and therefore, strictly speaking, are only "quasi" sovereign.  
10 Therefore, the central federal government possess some domestic/internal sovereign power over the member states in  
11 addition to international powers to interact with other foreign sovereign. But the domestic sovereign powers possessed  
12 by the central government is limited to only those few and enumerated powers delegated by the member states to the  
13 federal government in the U.S. Constitution. These internal sovereign powers of the central federal government over  
14 the member states are referred to as "Subject Matter Jurisdiction" over the Union states.

15 **FEDERAL GOVERNMENT.** *The system of government administered in a state formed by the union or*  
16 *confederation of several independent or quasi independent states; also the composite state so formed.*

17 *In strict usage, there is a distinction between a confederation and a federal government. The former term denotes*  
18 *a league or permanent alliance between several states, each of which is fully sovereign and independent, and*  
19 *each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a*  
20 *controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the*  
21 *component states are the units, with respect to the confederation, and the central government acts upon them, not*  
22 *upon the Individual citizens.*

23 *In a federal government, on the other hand, the allied states form a union,-not, indeed, to such an extent as to*  
24 *destroy their separate organization or deprive them of quasi sovereignty with respect to the administration of*  
25 *their purely local concerns, but so that the central power is erected into a true state or nation, possessing*  
26 *sovereignty both external and internal.-while the administration of national affairs is directed, and its effects*  
27 *felt, not by the separate states deliberating as units, but by the people of all, in their collective capacity, as citizens*  
28 *of the nation. The distinction is expressed, by the German writers, by the use of the two words "Staatenbund" and*  
29 *"Bundesstaat;" the former denoting a league or confederation of states, and the latter a federal government, or*  
30 *state formed by means of a league or confederation.*  
31 *[Black's Law Dictionary, Revised 4th edition, 1968, p. 1176]*

32 64. A central federal government was created by the U.S. Constitution and jurisdiction over some small portion of land  
33 within the member Union states was ceded to the federal government to serve as the "seat of the government" and for  
34 "forts and magazines".  
35 65. Congress was granted exclusive legislative jurisdiction over all federal land via Article I, Section 8, Clause 17 and  
36 Article IV, Section 3, Clause 2 of the U.S. Constitution, independent of the Constitutional restrictions placed on the  
37 federal government.

38 *"The Congress shall have Power [ . . ]*

39 *To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)*  
40 *as may, by Cession of Particular States, and the Acceptance of Congress, become the Seat of the Government of*  
41 *the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of*  
42 *the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other*  
43 *needful Buildings;-- And"*  
44 *[United States Constitution, Article 1, Section 8, Clause 17]*

45 *"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the*  
46 *Territory or other Property belonging to the United States; and nothing in this Constitution shall be so*  
47 *constructed as to Prejudice any Claims of the United States, or of any particular State."*  
48 *[United States Constitution, Article 4, Section 3, Clause 2]*

49 66. Congress organized the federal lands under a legislative democratic form a government, creating the new nation-state  
50 of United States\*\* under the national government of the United States\*\*.  
51 67. United States\*\* possesses only internal sovereign power and is fully sovereign in governing its internal domestic  
52 matters.  
53 68. United States\*\* possesses NO international sovereign power.



69. In the United States\*\*\*, the People of United States\*\*\* are sovereign relative to the state and federal governments which serve them.
70. In the United States\*\*, the national government is sovereign relative to people of the United States\*\*.
71. Within any nation-state, sovereignty can never be shared; there can be only one sovereign within a nation-state. Therefore, United States\*\* must be a nation-state that is distinct and mutually exclusive from the nation-state of United States\*\*\*.
72. Although there is only one Whitehouse and one cast of actors which occupy the Whitehouse, the United States government actually functions as two different governments:
- 72.1. As the national government for the United States\*\*, it governs the people of the nation United States\*\* and is maintained by Congress independently of the U.S. Constitution.
- 72.2. As the federal government of the United States\*\*\*, it governs the member states of the Union and is maintained by the U.S. Constitution with all of its restrictions.

*"I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this court, a radical and mischievous change in our system of government will result. We will, in that event, pass from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative absolutism.."*

[. . .]

*"The idea prevails with some, indeed it has found expression in arguments at the bar, that **we have in this country substantially two national governments; one [federal government of the United States\*\*\*] to be maintained under the Constitution, with all of its restrictions; the other [the national government of the United States\*\*] to be maintained by Congress outside the independently of that instrument, by exercising such powers [of absolutism] as other nations of the earth are accustomed to..***

[. . .]

***It will be an evil day for American liberty if the theory of a government outside the supreme law of the land finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full authority to prevent all violation of the principles of the Constitution.***

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

***NATIONAL GOVERNMENT. The government of a whole nation,*** as distinguished from that of a local or territorial division of the nation, and also ***as distinguished from that of a league or confederation.***

***"A national government is a government of the people of a single state or nation,*** united as a community by what is termed the 'social compact, and possessing complete and perfect supremacy over persons and things, so far as they can be made the lawful objects of civil government.

***A federal government is distinguished from a national government,*** by its being ***the government of a community of independent and - sovereign states, united by compact.***" *Piqua Branch Bank v. Knoup*, 6 Ohio.St. 393. [Black's Law Dictionary, Revised 4th edition, 1968, p. 1176]

73. To summarize, within the society of United States\* there are two sovereign nation-states each with its own territory, body politic, government, and laws. United States\*\* possesses no international sovereign power and relies on the United States\*\*\* for its international needs, including the issue of passports to its nationals. Only United States\*\*\* possesses international sovereign power within the society of United States\*. The People of the United States\*\*\* are the same People of the United States of America.
74. The United States of America passport is a multi-function document that may be used by "nationals" of the United States\*\*\* of America per 8 U.S.C. §1101(a)(21) and "nationals of the United States\*\*\*" per 8 U.S.C. §1101(a)(22).
75. As in Title 8, Chapter 12, crafty, deceptive, multiple context "words of art" have been used in the perjury statement United States of America passport application to hide the multi-function aspect of the passport and to deceive everyone into thinking that the "United States of America" that appears on the passport cover is society United States\*.

*"I am a **citizen or non-citizen national of the United States** and have not, since acquiring U.S. citizenship or nationality, performed . . ."*  
[Department of State Form DS-11 Passport Application, Perjury Statement]

- 75.1. In the case of a "national" of the United States of America, and in the context of the perjury statement, the word "citizen" is a **political status** and the term "United States" means the Constitutional "United States\*\*\*" and these



people would therefore be a Constitutional “citizens of the United States\*\*\*” per the perjury statement, owing allegiance to the United States\*\*\*.

75.2. In the case of a “citizen of the United States\*\*\*” per 8 U.S.C. §1101(a)(22)(A), and in the context of the perjury statement, the word “citizen” is a **civil status** and the term “United States” means the statutory “United States\*\*\*” per 8 C.F.R. §215.1(e) and these people would therefore be statutory “citizens of the United States\*\*\*” per the perjury statement, which is an indirect way of saying they are “nationals of the United States\*\* per 8 U.S.C. §1101(a)(22)(A), owing allegiance to the statutory “United States\*\*\*” per 8 C.F.R. §215.1(e).

75.3. In the case of a “national of the United States\*\*\*” (also called “person[s] who, though not a citizen of the United States, owes permanent allegiance to the United States”) per 8 U.S.C. §1101(a)(22)(B), and in the context of the perjury statement, the term “United States” means the statutory “United States\*\*\*” per 8 C.F.R. §215.1(e) and these people would therefore be statutory “non-citizens nationals of the United States\*\*\*” per the perjury statement or “nationals of the United States\*\*\*” per 8 U.S.C. §1101(a)(22)(B), owing allegiance to the statutory “United States\*\*\*” per 8 C.F.R. §215.1(e).

76. As in Title 8, Chapter 12, crafty, deceptive “words of art” have been used in 22 U.S.C. §212 in order to hide the multi-function aspect of the passport and to deceive everyone into falsely thinking that the “United States of America” that appears on the passport cover is society United States\*. “Nationals” of the United States\*\*\* of America per 8 U.S.C. §1101(a)(21) owe allegiance to the “United States\*\*\*” while “nationals of the United States\*\*\*” per 8 U.S.C. §1101(a)(22) owe allegiance to the “United States\*\*\*” government. Therefore, both types of nationals owe allegiance to a “United States” and would qualify to be granted a United States of America passport per 22 U.S.C. §212. But 22 U.S.C. §212 is worded to deceive people into thinking that there is just one “United States” that you can owe allegiance to, and therefore, it must be the society of United States\*.

*22 U.S.C. §212 No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States*

#### **20.4.2 REBUTTAL**

1. Thanks for that EXCELLENT summary of what we know so far and for your extreme diligence in researching this most important matter.
2. You have correctly summarized the gist of each of our positions. We have no disagreements with your summary of our position but we do disagree with your position, as pointed out in the next item.
3. As far as responding to the disagreement we have with your summary of YOUR position, here is an itemized list:

STATEMENT: 5. national of the United States\*\* who are domiciled within United States\*\*, but NOT within the outlying possessions are statutory citizens of the United States per 8 U.S.C. §1101(a)(22)(A) and 8 U.S.C. §1401.

RESPONSE: AGREED.

STATEMENT: 6. “national of the United States\*\*\*” who are not domiciled within United States\*\*, American Samoa excluded, are non-citizen nationals of the United States\*\* per 8 U.S.C. §1101(a)(22)(B) and 8 U.S.C. §1408.

RESPONSE: AGREED

STATEMENT: 7. The United States\*\*\* has a constitution republic form of government in which the People born in a Constitutional Union states are sovereign and NOT the governments that serve the People. The government of the United States\*\*\* is the Federal government of the Union. United States\*\*\* consists of the collective states united by and under the U.S. Constitution and excludes all federal land. United States\*\*\* is also known as the United States of America, and is so named in the Articles of Confederation and in the preamble to the U.S. Constitution.

RESPONSE: AGREED

STATEMENT: 8. Anyone born in a Constitution Union state is a Constitutional citizen of the United States per 14th Amendment and a national of the United States of America per 8 U.S.C. §1101(a)(21) but NOT a national of the United States\*\* per 8 U.S.C. §1101(a)(22).

RESPONSE: AGREED.

STATEMENT: 9. nationals of the United States of America who are NOT domiciled within the United States\*\* are non-resident non-persons relative to the United States\*\*.

RESPONSE: AGREED.

STATEMENT: 10. nationals of the United States of America who ARE domiciled within the United States\*\* are resident aliens per 26 U.S.C. §7701(b)(1)(A).

RESPONSE: DISAGREED. They are NOT “resident aliens” because they are not STATUTORY “aliens” They are “nationals of the United States\*\*\* OF AMERICA”, or what the U.S. Supreme Court calls simply “nationals” in Perkins v. Elg, 307 U.S. 325 (1939).

4. Now our response to the long list of statements you pose. The only "question" we found in your enumerated list was the following, and we agree with all the other statements you make:

Q43. The phrase “subject to the jurisdiction thereof”, as used 8 U.S.C. §1401(a), means to be completely subject to the political jurisdiction of the United States\*\*. I am asserting that it means political jurisdiction, the same as in the 14th Amendment, for following two reasons. In the Supreme Court ruling of U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898), citizenship by birth is described as “the ancient and fundamental rule of citizenship by birth within the territory, IN ALLEGIANCE”. This ruling is specifically addressing 14th Amendment citizenship. But the fact that the by birth is method of acquiring nationality is described as “the ancient and fundamental rule” makes it sound like this is the universally accepted to mean the same thing, which is “to be completely subject to the political jurisdiction” since it involves allegiance. Also, the Foreign Affairs Manual (F.A.M.), Department of State, Volume 8, Section 301.1-1, appears to confirm that the common law of Jus Soli (the law of the soil) for acquiring nationality at birth is embodied in both the 14th Amendment and the statutes (8 U.S.C. §1401). This would imply phrase “subject to the jurisdiction thereof”, as used 8 U.S.C. §1401(a), must be interpreted to mean the same as it does in the 14th Amendment, which is completely subject to the political jurisdiction. Please comment on this important issue.

A43. You raise a valid point. We don't have any evidence at this time, but if we discover it, we will provide it. Here is a start:

8 FAM 301.4-1(A)(1) *Federal Statutes*

(CT:CITZ-1; 06-27-2018)

a. Acquisition of U.S. citizenship by birth abroad to a U.S. citizen parent is governed by *Federal statutes*. Only insofar as Congress has provided in such *statutes*, does the United States follow the traditionally Roman law principle of “jus sanguinis” under which citizenship is acquired by descent (see [8 FAM 301.1](#).

b. Section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) gives the Secretary of State the responsibility for the administration and enforcement of all nationality laws relating to "the determination of nationality of a person not in the United States."

[8 Foreign Affairs Manual (FAM), Section 301.4-1(A)(1); SOURCE: <https://fam.state.gov/FAM/08FAM/08FAM030104.html>]

#### 8 FAM 302.1-3 DEFINITION OF THE UNITED STATES AND OF OUTLYING POSSESSIONS

(CT:CITZ-35; 05-15-2020)

a. Under the NA (effective January 13, 1941 to December 24, 1952):

(1) Puerto Rico and the U.S. Virgin Islands came *within the definition of "United States" for nationality purposes, but they were not made incorporated territories; and*

(2) Other territories under U.S. jurisdiction at that time, except the Panama Canal Zone, were held to be *outlying possessions of the United States*.

b. Under the INA (effective December 24, 1952 to present), the definition of:

(1) "United States," for nationality purposes, was expanded to add Guam; and, effective November 3, 1986, the Commonwealth of the Northern Mariana Islands (see [8 FAM 302.6](#)) (in addition to Puerto Rico and the Virgin Islands of the United States). Persons born in these territories on or after December 24, 1952 acquire U.S. citizenship at birth on the same terms as persons born in other parts of the United States; and

(2) "Outlying possessions of the United States" was restricted to American Samoa and Swains Island.

[8 Foreign Affairs Manual (FAM), Section 302.1-3; <https://fam.state.gov/FAM/08FAM/08FAM030201.html>]

The above points to the idea that:

- 4.1. 8 U.S.C. §§1401 and 1408 are the ONLY method of acquiring citizenship when abroad, and hence, that there is no "common law" or constitutional method. This would point to the fact that the ONLY thing "subject to THE jurisdiction" can mean in the context of 8 U.S.C. §1401 is the POLITICAL jurisdiction and that the "citizen" talked about in 8 U.S.C. §1401 is a CONSTITUTIONAL citizen.
- 4.2. Puerto Rico, although a territory, comes within the definition of "United States" for the purposes of Title 8 and the INA.
- 4.3. The 50 states do NOT come within the STATUTORY geographical meaning of "United States" and are not directly expressed in anywhere in Title 8 or the supporting regulations, as you pointed out.

If we have claimed that "subject to THE jurisdiction" in 8 U.S.C. §1401(a) means subject to the LEGISLATIVE jurisdiction, we would like to know where it does that so we can fix it. Furthermore, if in fact "subject to the jurisdiction" means subject to the POLITICAL jurisdiction in 8 U.S.C. §1401, then there is no conflict or problem at all in Title 8, so long as:

- 4.3.1. We exclude STATUTORY civil citizens\*\*+D under any title OTHER than Title 8.
- 4.3.2. We exclude any CIVIL status under any other title of the U.S. Code.
- 4.3.3. We ensure that the "citizen" portion of "national and citizen of the United States[\*\*] at birth" within 8 U.S.C. §1401 is abandoned insofar as it relates to "citizen" status under any other title of the U.S. Code.
- 4.3.4. We make all the above clear whenever any government asks us about our citizenship, as we pointed out that our members must always do.

In fact, the USA Passport Application Attachment, Form #06.007, provided on this site does all the above and is completely consistent with the above.

In summary:

1. "citizen of the United States" as used in 8 U.S.C. §1421 dealing with naturalization means a POLITICAL status and not a CIVIL status. It implements the power granted by Article 1, Section 8, Clause 3 of the U.S. Constitution. People in U.S. possessions and territories must be naturalized per this statute before they become CONSTITUTIONAL citizens.
2. "Political"/CONSTITUTIONAL status does not change with domicile, but CIVIL status DOES.
3. "citizen" as used in every OTHER title of the U.S. Code means a CIVIL status and NOT a political status in most cases.
4. The false presumption that a person is a civil "citizen\*\*+D" under the Internal Revenue Code results from a failure to distinguish a POLITICAL/CONSTITUTIONAL status from a CIVIL/STATUTORY status.
5. None of the authorities provided attempt to distinguish between "United States\*\*" and "United States\*\*\*". All references are to "United States\*\*". Thus, 8 U.S.C. §1101(a)(22), (a)(22)(A), and (a)(22)(B) all mean "United States\*\*" because they relate to ALLEGIANCE, which is NEVER territorial and always political.
6. The distinctions you are trying to make are irrelevant and needlessly over-complicate the issues.
7. In *Cook v. Tait*, 265 U.S. 47 (1924), Former President Taft acting then as a Chief Justice of the U.S. Supreme Court ADDED to the confusion between CIVIL and POLITICAL status by deliberately REFUSING to distinguish WHICH "citizen of the United States" that Cook was. Thus, he:
  - 7.1. ILLEGALLY extended income taxes to POLITICAL citizens everywhere, including those situated extraterritorially OUTSIDE the legislative jurisdiction of Congress.
  - 7.2. Perpetuated the FALSE presumption that CIVIL and POLITICAL citizens are equivalent.
  - 7.3. Created a WORLDWIDE TAX and made every American into essentially a dog on a leash until they expatriate. Being a "national" was the leash according to him, but that simply can't be the case because DOMICILE and not NATIONALITY is the only proper origin of tax liability.

7.4. Removed DISCRETION and CONSENT from the taxation process, because being a CIVIL citizen is discretionary, whereas being a POLITICAL citizen is NOT.

8. We would not argue any of the minute points in your disagreement in any court of law. You have needlessly overcomplicated the issues and they would go way over the head of most readers, jurors, and even judges. We instead would stick entirely to the points in this summary and use the following to challenge any tax assessment or collection as it relates to nationality and/or domicile:

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

If you would like a succinct summary of where the government fraud lies on this subject, see:

*Non-Resident Non-Person Position*, Form #05.020, Section 7.4 through 7.4.5  
<http://sedm.org/Forms/FormIndex.htm>

## **21. CORRECTING YOUR CITIZENSHIP STATUS IN GOVERNMENT RECORDS**

If after reading this document, you decide that you would like to correct your citizenship status in all of the government's records so that you are not victimized by the criminal identity theft that makes you be illegally treated like a territorial STATUTORY citizen, please consult the following resources:

1. *Developing Evidence of Citizenship and Sovereignty Course*, Form #12.002  
<http://sedm.org/Forms/FormIndex.htm>
2. *Change of Address and Power of Attorney*, Form #07.110  
<http://sedm.org/Forms/FormIndex.htm>

The last item above is a MANDATORY requirement of becoming a compliant member of the following the Sovereignty Education and Defense Ministry (SEDM). It is part of their Path to Freedom Process found in the following process:

*Path to Freedom*, Form #09.015, Section 2  
<http://sedm.org/Forms/FormIndex.htm>

For a list of WHAT needs to be corrected, refer back to section 16 earlier.

## **22. CONCLUSIONS AND SUMMARY**

1. The main point of confusion and disagreement over citizenship within the freedom community originates mainly from confusion over the context of words.
2. Since CONTEXT is the last legal skill that develops after thorough legal training, most freedom fighters never reach the point where they even recognize the confusion and instead needlessly waste valuable political and personal energy arguing about the wrong things, thus allowing a corrupt terrorist government to prevail in its unconstitutional PLUNDER of the people.
3. There are TWO contexts for both geographical terms and citizenship terms:
  - 3.1. CONSTITUTIONAL.
  - 3.2. STATUTORY.
4. The CONSTITUTIONAL context determines one's POLITICAL status under the constitution.
  - 4.1. It originates exclusively from birth or naturalization.
  - 4.2. It is NOT affected by residence or domicile.
  - 4.3. Within the CONSTITUTIONAL context, the geographical "United States\*\*\*" is limited to the states of the Union and excludes federal territories and possessions.
  - 4.4. The Fourteenth Amendment is the CONSTITUTIONAL context, and hence, only relates to the geographical states of the Union and excludes federal territory.
5. The STATUTORY context determines one's CIVIL status under the statutes of the government power.
  - 5.1. It originates from CIVIL domicile in a specific municipal locale.
  - 5.2. Domicile governs the CIVIL choice of law rules under Federal Rule of Civil Procedure 17.
  - 5.3. Domicile is a VOLUNTARY choice and cannot be compelled.

5.4. Within the STATUTORY context for enactments of the national government, the geographical “United States\*\*” is limited EXCLUSIVELY to federal territory.

6. Domicile is the exclusively origin of one’s tax liability. Hence, all obligations, including tax obligations, which originate from it, are voluntary. One can “unvolunteer” by changing their domicile. NATIONALITY, on the other hand, is NOT the origin of tax liability and there are no CIVIL infirmities that we are aware of associated with it.

7. Title 8 of the U.S. Code describes the POLITICAL context and not the CIVIL or STATUTORY context for citizenship terms. The following statuses are POLITICAL and not CIVIL statuses:

7.1. “national and citizen of the United States” under 8 U.S.C. §1401.

7.2. “non-citizen national of the United States\*\*” under 8 U.S.C. §§1408 and 1452.

8. All other titles of the U.S. Code, and especially the following invoke the CIVIL or STATUTORY context and EXCLUDE the political context for citizenship terms:

8.1. Title 26, the Internal Revenue Code.

8.2. Title 42, the Social Security Act.

9. The purpose of the Separation of Powers Doctrine is to perpetuate absolute separation of legislative powers between the states and the national government.

10. The primary method of breaking down the separation of legislative powers between the national government and the states is to confuse the context of geographical and citizenship terms documented in this memorandum. This permits federal franchises to illegally and unconstitutionally be offered and enforce in the states of the Union. This is done by:

10.1. PRESUMING that ALL of the four contexts for "United States" are equivalent.

10.2. PRESUMING that CONSTITUTIONAL citizens and STATUTORY citizens are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident " under federal law and NOT a "national and citizen of the United States\*\* at birth" under 8 U.S.C. §1401.

*Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien*, Form #05.006

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/WhyANational.pdf>

10.3. PRESUMING that "nationality" and "domicile" are equivalent. They are NOT.

*Department of State*

*Foreign Affairs Manual (F.A.M.), Department of State, Volume 8, Section 301.1-1*

*Downloaded 6/20/2022*

**b. National vs. citizen: While most people and countries use the terms “citizenship” and “nationality” interchangeably, U.S. law differentiates between the two. Under current law all U.S. citizens are also U.S. nationals, but not all U.S. nationals are U.S. citizens. The term “national of the United States”, as defined by statute (INA 101 (a)(22) (8 U.S.C. 1101(a)(22)) includes all citizens of the United States, and other persons who owe allegiance to the United States but who have not been granted the privilege of citizenship:**

*(1) Nationals of the United States who are not citizens owe allegiance to the United States and are entitled to the consular protection of the United States when abroad, and to U.S. documentation, such as U.S. passports with appropriate endorsements. They are not entitled to voting representation in Congress and, under most state laws, are not entitled to vote in Federal, State, or local elections except in their place of birth. (See 7 FAM 012 and 7 FAM 1300 Appendix B Endorsement 09.);*

*(2) Historically, Congress, through statutes, granted U.S. non-citizen nationality to persons born or inhabiting territory acquired by the United States through conquest or treaty. At one time or other natives and certain other residents of Puerto Rico, the U.S. Virgin Islands, the Philippines, Guam, and the Panama Canal Zone were U.S. non-citizen nationals. (See 7 FAM 1120 and 7 FAM 1100 Appendix P.);*

*(3) Under current law, only persons born in American Samoa and Swains Island are U.S. non-citizen nationals (INA 101(a)(29) (8 U.S.C. 1101(a)(29) and INA 308(1) (8 U.S.C. 1408)). (See 7 FAM 1125.); and*

*(4) See 7 FAM 1126 regarding the citizenship/nationality status of persons born on the Commonwealth of the Northern Mariana Islands (CNMI).*

*[8 Foreign Affairs Manual (FAM), Section 301.1-1(b); SOURCE:*

*<https://fam.state.gov/FAM/08FAM/08FAM030101.html>]*

See:

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>



- 10.4. Using the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
- 10.5. Confusing the POLITICAL/CONSTITUTIONAL meaning of words with the civil STATUTORY context. For instance, asking on government forms whether you are a POLITICAL/CONSTITUTIONAL citizen and then FALSELY PRESUMING that you are a STATUTORY citizen under 8 U.S.C. §1401.
- 10.6. Confusing the words "[domicile](#)" and "[residence](#)" or impute either to you without satisfying the burden of proving that you EXPRESSLY CONSENTED to it and thereby illegally kidnap your civil legal identity against your will. One can have only one "domicile" but many "residences" and BOTH require your consent. See:

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>

- 10.7. Adding things or classes of things to the meaning of statutory terms that do not EXPRESSLY appear in their definitions, in violation of the Rules of Statutory Construction and Interpretation. See:

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>

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

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

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

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

DIRECT LINK: <http://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

- 10.10. Confusing a STATUTORY/CIVIL citizen\*\*+D under Titles 26 and 42 with a CONSTITUTIONAL/POLITICAL citizen under Title 8.

- 10.11. Punishing, sanctioning, and terrorizing anyone who exposes the malicious confusion and the unconstitutional presumptions and violation of due process that it produces, protects, and reinforces.

11. Even the U.S. Supreme Court, starting with former President Taft as Chief Justice (author of the Sixteenth Amendment who also got it FRAUDULENTLY ratified) has been complicit in creating and protecting the confusion between STATUTORY and CONSTITUTIONAL contexts for geographical and citizenship terms in order to unlawfully and unconstitutionally extend federal jurisdiction to places it does not exist. They have done this because they love YOUR money more than they love YOU. See:

*Non-Resident Non-Person Position*, Form #05.020, Sections 4 through 4.6

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

12. Whenever you fill out government forms, it is CRUCIAL that you define the CONTEXT and meaning of every citizenship, geographical, and CIVIL status term appearing on the form. Otherwise, you as a state citizen will be improperly mistaken for someone that the national government has jurisdiction over. Forms that accomplish this include the following:

- 12.1. *Tax Form Attachment*, Form #04.201.

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

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

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

- 12.3. *Citizenship, Domicile, and Tax Status Options*, Form #10.003.

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

13. Remember: One cannot lawfully have a CIVIL/STATUTORY status in a place without a domicile in that place. If a CIVIL/STATUTORY status is enforced against them without their consent, a violation of the First and Fifth Amendments has occurred. See:

*Your Exclusive Right to Declare or Establish Your Civil Status*, Form #13.008

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

14. Anyone who attempts to presume or enforce any CIVIL/STATUTORY status found in laws of the national government against a nonresident domiciled in a constitutional state is:

- 14.1. Engaging in acts of international terrorism.

- 14.2. Criminally kidnapping your CIVIL legal identity and transporting it to a legislatively foreign jurisdiction, which Mark Twain calls "the District of Criminals".

- 14.3. Violating the Separation of Powers Doctrine.

- 1 14.4. Acting in a LEGISLATIVE capacity as a judge or prosecutor, by adding things to definitions that do not  
2 expressly appear.
- 3 14.5. Violating the ONLY mandate found in the Constitution at Article 4, Section 4 to protest the states from  
4 INVASION by a legislatively foreign power, meaning the national government.
- 5 14.6. Implementing the equivalent of a “protection racket” where you must essentially BRIBE them with illegal  
6 withholdings to get them to simply leave you alone. The right to be left alone by government is FREE and they  
7 can’t charge you for it.

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

14 *[Olmstead v. United States, 277 U.S. 438, 478 (1928) (Brandeis, J., dissenting); see also Washington v. Harper,*  
15 *494 U.S. 210 (1990)]*

- 16 14.7. Causing you to criminally impersonate a public officer in violation of 18 U.S.C. §912. All civil statutes to which  
17 public rights attach are public offices in the government. That is the ONLY way they can reach you through  
18 legislation, in fact. In the cites below “agency” means “office” and “execute” includes “obey or be subject to”.

19 *"A private person cannot make constitutions or laws, nor can he with authority construe them, nor can he*  
20 *administer or execute them."*

21 *[United States v. Harris, 106 U.S. 629, 1 S.Ct. 601, 27 L.Ed. 290 (1883)]*

22 *"All the powers of the government [including ALL of its civil enforcement powers against the public] must be*  
23 *carried into operation **by individual agency, either through the medium of public officers, or contracts made***  
24 ***with [private] individuals.**"*

25 *[Osborn v. Bank of U.S., 22 U.S. 738 (1824)]*

## 26 **23. RESOURCES FOR FURTHER STUDY AND REBUTTAL**

27 If you liked the content of this whitepaper, thousands of additional pages of research and evidence are available that support  
28 absolutely everything revealed here. You are encouraged to read and rebut the supporting research and evidence found below:

- 29 1. *Treatise on American Citizenship*, John Wise, 1906:  
30 <http://famguardian.org/Publications/TreatiseOnCitizenship/citiztoc.htm>
- 31 2. *A Treatise on the Law of Domicil, National, Quasi-National, and Municipal*, M.W. Jacobs, Little Brown and Company,  
32 1887:  
33 HTML: <http://books.google.com/books?id=MFQvAAAAIAAJ&printsec=titlepage>  
34 PDF: <http://famguardian.org/Publications/TreatOnLawOfDomicile/A Treatise on the Law of Domicil Nation.pdf>
- 35 3. *Non-Resident Non-Person Position*, Form #05.020. Describes the tax status of a “state national”, which is that of a  
36 “nonresident alien”. Available at:  
37 <http://sedm.org/Forms/FormIndex.htm>
- 38 4. *Why Domicile and Becoming a “Taxpayer” Require Your Consent*:  
39 HTML: <http://famguardian.org/Subjects/Taxes/Articles/DomicileBasisForTaxation.htm>  
40 PDF, Form #05.002: <http://sedm.org/Forms/05-MemLaw/Domicile.pdf>
- 41 5. *Tax Deposition Questions*, Form #03.016, Section 14: Citizenship:  
42 <http://sedm.org/Forms/FormIndex.htm>
- 43 6. *Great IRS Hoax, Form #11.302, Sections 4.12 through 4.12.19 on citizenship*, available for free downloading at:  
44 <http://sedm.org/Forms/FormIndex.htm>
- 45 7. *Legal Basis for the Term “Nonresident alien”*, Form #05.036  
46 <http://sedm.org/Forms/FormIndex.htm>
- 47 8. *Sovereignty Forms and Instructions Online, Form #10.004, Instructions*, Step 3.13, entitled “IMPORTANT!: Correct  
48 Government Records documenting your Citizenship status”, available at:  
49 <http://famguardian.org/TaxFreedom/Instructions/3.13ChangeUSCitizenshipStatus.htm>
- 50 9. *Family Guardian Forum 7.1: Citizenship, Domicile, and Nationality*:  
51 [http://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/71-](http://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/71-citizenship-domicile-and-nationality/)  
52 [citizenship-domicile-and-nationality/](http://famguardian.org/forums/forum/7-issue-and-research-debates-anyone-can-read-only-members-can-post/71-citizenship-domicile-and-nationality/)
- 53 10. *Getting a USA Passport as a “state national”*, Form #10.012:

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

11. *You're Not a CIVIL "citizen" Under the Internal Revenue Code But Rather a Nonresident Alien, Family Guardian Fellowship*  
<http://famguardian.org/Subjects/Taxes/Citizenship/NotACitizenUnderIRC.htm>
12. *You're Not a CIVIL "resident" Under the Internal Revenue Code, Family Guardian Fellowship:*  
<http://famguardian.org/Subjects/Taxes/Citizenship/Resident.htm>

It may also interest you to know that at least one other famous freedom researcher takes the same position as us that state citizens are STATUTORY "non-resident non-persons and nationals but not citizens". We have spoken with him and it appears that he independently reached the same conclusions as us after 25 years of research and without the benefit of our materials. You can read his research at:

1. *From Sovereign to Serf*, Roger Sayles  
<http://sovereign2serf.wordpress.com/>
2. *A Passport for Edward Snowden*, Roger Sayles  
<http://auspassport4ed.com/>

We encourage your rebuttal and well-researched feedback on the issues discussed in this whitepaper. The truth is all we seek and we are certainly not beyond modifying our position if you can support your rebuttal with court admissible legal evidence.

God bless you!

## **24. QUESTIONS THAT READERS, GRAND JURORS, AND PETIT JURORS SHOULD BE ASKING THE GOVERNMENT**

*"Test all things; hold fast what is good. Abstain from every form of evil."*  
[1 Thess. 5:21-22, Bible, NKJV]

Lastly, we will close this pamphlet with a list of questions aimed at those who still challenge our position on being a "national" or "state national". If you are going to lock horns with us or throw rocks, please start your rebuttal by answering the following questions or your inquiry will be ignored. Remember Abraham Lincoln's famous saying:

*"He has a right to criticize who has a heart to help."*

If you are a Christian, please ensure that you consider and apply the following requirements of [God's law](#) in all your answers:

*"You shall have no other gods [including political rulers, governments, or earthly laws] before Me [or [My commandments](#)]."*  
[Exodus 20:3, Bible, NKJV]

*"Do you not know that friendship with the world is enmity with God? **Whoever therefore wants to be a friend [“citizen”, “resident”, “taxpayer”, “inhabitant”, or “subject” under a king or political ruler] of the world [or any man-made kingdom other than God's Kingdom] makes himself an enemy of God.**"*  
[James 4:4, Bible, NKJV]

*"Above all, **you must live as citizens of heaven [INSTEAD of citizens of earth. You can only be a citizen of ONE place at a time because you can only have a domicile in one place at a time]**, conducting yourselves in a manner worthy of the Good News about Christ. Then, whether I come and see you again or only hear about you, I will know that you are standing together with one spirit and one purpose, fighting together for the faith, which is the Good News."*  
[Philippians 1:27, Bible, NLT]

*"Therefore, my brethren, you also have become dead to the law [man's law] through the body of Christ [[by shifting your legal domicile to the God's Kingdom](#)], that you may be married to another [Christ]—to Him who was raised from the dead, that we should bear fruit [as agents, fiduciaries, and trustees] to God. For when we were in the flesh, the sinful passions which were aroused by the law were at work in our members to bear fruit to death. But now we have been delivered from the law, having died to what we were held by, so that we should serve in the newness of the Spirit [and newness of the law, God's law] and not in the oldness of the letter."*  
[Rom. 7:4-6, Bible, NKJV]

1 "Do not walk in the statutes [PAGAN civil laws] of your fathers [the heathens], nor observe their judgments,  
2 nor defile yourselves with their idols. I am the LORD your God: Walk in My statutes, keep My judgments, and  
3 do them; hallow My Sabbaths, and they will be a sign between Me and you, that you may know that I am the  
4 LORD your God."  
5 [Ezekial 20:10-20, Bible, NKJV]

6 "You shall make no covenant with them [foreigners], nor with their [pagan government] gods [or judges].  
7 They shall not dwell in your land [and you shall not dwell in theirs by becoming a "resident" in the process of  
8 contracting with them], lest they make you sin against Me [God]. For if you serve their gods [under contract  
9 or agreement or franchise], it will surely be a snare to you."  
10 [Exodus 23:32-33, Bible, NKJV]

## 11 **24.1 Admissions**

12 These questions are provided for readers, Grand Jurors, and Petit Jurors to present to the government or anyone else who  
13 would challenge the facts and law appearing in this pamphlet, most of whom work for the government or stand to gain  
14 financially from perpetuating the fraud. If you find yourself in receipt of this pamphlet, you are demanded to answer the  
15 questions within 10 days. Pursuant to [Federal Rule of Civil Procedure 8\(b\)\(6\)](#), failure to deny within 10 days constitutes an  
16 admission to each question. Pursuant to [26 U.S.C. §6065](#), all of your answers must be signed under penalty of perjury. We  
17 are not interested in agency policy, but only sources of reasonable belief identified in the pamphlet below:

<p>Reasonable Belief About Income Tax Liability, Form #05.007 <a href="http://sedm.org/Forms/FormIndex.htm">http://sedm.org/Forms/FormIndex.htm</a></p>
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18 Your answers will become evidence in future litigation, should that be necessary in order to protect the rights of the person  
19 against whom you are attempting to unlawfully enforce federal law.

- 20 1. Admit that a STATUTORY "national and citizen of the United States at birth" defined in 8 U.S.C. §1401 is NOT  
21 equivalent to a CONSTITUTIONAL "citizen of the United States" found in the Fourteenth Amendment.

22 Under constitutional challenge here, primarily on Fifth Amendment due process grounds, but also on  
23 Fourteenth Amendment grounds, is § 301 (b) of the Immigration and Nationality Act of June 27, 1952, 66  
24 Stat. 236, 8 U.S.C. §1401(b).

25 Section 301 (a) of the Act, 8 U.S.C. §1401(a), defines those persons who "shall be nationals and citizens of the  
26 United States at birth." Paragraph (7) of § 301 (a) includes in that definition a person born abroad "of parents  
27 one of whom is an alien, and the other a citizen of the United States" who has met specified conditions of residence  
28 in this country. Section 301 (b), however, provides that one who is a citizen at birth under § 301 (a) (7) shall lose  
29 his citizenship unless, after age 14 and before age 28, he shall come to the United States and be physically present  
30 here continuously for at least five years. We quote the statute in the margin.[1]

31 \*817 The plan thus adopted by Congress with respect to a person of this classification was to bestow citizenship  
32 at birth but to take it away upon the person's failure to comply with a post-age-14 and pre-age-28 residential  
33 requirement. It is this deprivation of citizenship, once bestowed, that is under attack here.

34 [...]

35 The application of these respective statutes to a person in plaintiff Bellei's position produces the following results:

36 1. Not until 1934 would that person have had any conceivable claim to United States citizenship. For more than  
37 a century and a half no statute was of assistance. Maternal citizenship afforded no benefit. One may observe, too,  
38 that if Mr. Bellei had been born in 1933, instead of in 1939, he would have no claim even today. [Montana v.](#)  
39 [Kennedy, supra.](#)

40 2. Despite the recognition of the maternal root by the 1934 amendment, in effect at the time of plaintiff's birth,  
41 and despite the continuing liberalization of the succeeding statutes, the plaintiff still would not be entitled to  
42 full citizenship because, although his mother met the condition for her residence in the United States, the  
43 plaintiff never did fulfill the residential condition imposed for him by any of the statutes.

44 [...]

45 The Court today holds that the Citizenship Clause of the Fourteenth Amendment has no application to Bellei.  
46 The Court first notes that Afroyim was essentially a case construing the Citizenship Clause of the Fourteenth  
47 Amendment. Since the Citizenship Clause declares that: "All persons born or naturalized in the United States . .

. are citizens of the United States . . .," the Court reasons that the protections against involuntary expatriation declared in Afroyim do not protect all American citizens, but only those "born or naturalized in the United States." Afroyim, the argument runs, was naturalized in this country so he was protected by the Citizenship Clause, but Bellei, since he acquired his American citizenship at birth in Italy as a foreign-born child of an American citizen, was neither born nor naturalized in the United States and, hence, falls outside the scope of the Fourteenth Amendment guarantees declared in Afroyim. One could hardly call this a generous reading of the 839\*839 great purposes the Fourteenth Amendment was adopted to bring about.

While conceding that Bellei is an American citizen, the majority states: "He simply is not a Fourteenth-Amendment-first-sentence citizen." Therefore, the majority reasons, the congressional revocation of his citizenship is not barred by the Constitution.  
[Rogers v. Bellei, 401 U.S. 815 (1971)]

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

YOUR ANSWER (circle one): Admit/Deny

2. Admit that the "citizen" identified in 26 U.S.C. §911 and defined in 26 C.F.R. §1.1-1(c) is a STATUTORY "national and citizen of the United States\*\* at birth" as defined in 8 U.S.C. §1401 and NOT a CONSTITUTIONAL "citizen of the United States" as defined in the Fourteenth Amendment.

[26 C.F.R. §1.1-1\(c\): Income Tax on individuals](#)

(c) Who is a citizen.

Every person born or naturalized in the [federal] [United States](#) and subject to its [exclusive federal jurisdiction under [Article I, Section 8](#), Clause 17 of the [Constitution](#)] jurisdiction is a citizen. For other rules governing the acquisition of citizenship, see chapters 1 and 2 of title III of the [Immigration and Nationality Act](#) (8 U.S.C. §1401-1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), *Schneider v. Rusk*, (1964) [377 U.S. 163](#), and Rev.Rul. 70-506, C.B. 1970-2, 1. For rules pertaining to persons who are [nationals but not citizens at birth](#), e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see [section 877](#). A [foreigner](#) who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.

[T.D. 6500, 25 FR 11402, Nov. 26, 1960, as amended by T.D. 7332, 39 FR 44216, Dec. 23, 1974]

YOUR ANSWER (circle one): Admit/Deny

3. Admit that geographical term "United States" as used in the CONSTITUTION is NOT the same as "United States" as used in 26 C.F.R. §1.1-1(c) or 8 U.S.C. §1401 above.

[26 U.S.C. §7701 Definitions](#)  
[TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. \[Internal Revenue Code\]](#)  
[Sec. 7701. - Definitions](#)

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

(9) United States

The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.

(10) State



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

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TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES  
CHAPTER 4 - THE STATES  
Sec. 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

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

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"As the only judicial power vested in Congress is to create courts whose judges shall hold their offices during good behavior, it necessarily follows that, if Congress authorizes the creation of courts and the appointment of judges for limited time, it must act independently of the Constitution upon territory which is not part of the United States within the meaning of the Constitution." [O'Donoghue v. United States, 289 U.S. 516, 53 S.Ct. 740 (1933)]

YOUR ANSWER (circle one): Admit/Deny

4. Admit that the O'Donoghue case above implies that there is only ONE geographical meaning of "United States" in the Constitution. Otherwise they would have said "within ONE of the meanings of the Constitution" instead of "THE meaning of the Constitution".

YOUR ANSWER (circle one): Admit/Deny

5. Admit that CONSTITUTIONAL "States" and STATUTORY "States" are NOT equivalent and mutually exclusive.

"The earliest case is that of Hepburn v. Ellzey, 2 Cranch, 445, 2 L. ed. 332, in which this court held that, under that clause of the Constitution limiting the jurisdiction of the courts of the United States to controversies between citizens of different states, a citizen of the District of Columbia could not maintain an action in the circuit court of the United States. It was argued that the word 'state,' in that connection, was used simply to denote a distinct political society. 'But,' said the Chief Justice, 'as the act of Congress obviously used the word 'state' in reference to that term as used in the Constitution, it becomes necessary to inquire whether Columbia is a state in the sense of that instrument. The result of that examination is a conviction that the members of the American confederacy only are the states contemplated in the Constitution, . . . and excludes from the term the signification attached to it by writers on the law of nations.' This case was followed in Barney v. Baltimore, 6 Wall. 280, 18 L. ed. 825, and quite recently in Hooe v. Jamieson, 166 U.S. 395, 41 L. ed. 1049, 17 Sup. Ct. Rep. 596. The same rule was applied to citizens of territories in New Orleans v. Winter, 1 Wheat. 91, 4 L. ed. 44, in which an attempt was made to distinguish a territory from the District of Columbia. But it was said that 'neither of them is a state in the sense in which that term is used in the Constitution.' In Scott v. Jones, 5 How. 343, 12 L. ed. 181, and in Miners' Bank v. Iowa ex rel. District Prosecuting Attorney, 12 How. 1, 13 L. ed. 867, it was held that under the judiciary act, permitting writs of error to the supreme court of a state in cases where the validity of a state statute is drawn in question, an act of a territorial legislature was not within the contemplation of Congress." [Downes v. Bidwell, 182 U.S. 244 (1901)]

YOUR ANSWER (circle one): Admit/Deny

6. Admit that all law is territorial in nature.

"The foregoing considerations would lead, in case of doubt, to a construction of any statute as intended to be confined in its operation and effect to the territorial limits over which the lawmaker has general and legitimate power. 'All legislation is prima facie territorial.' Ex parte Blain, L.R., 12 Ch.Div. 522, 528; State v. Carter, 27 N.J.L. 499; People v. Merrill, 2 Park. Crim. Rep. 590, 596. Words having universal scope, such as 'every contract in restraint of trade,' 'every person who shall monopolize,' etc., will be taken, as a matter of course,

1 to mean only everyone subject to such legislation, not all that the legislator subsequently may be able to catch.  
2 In the case of the present statute, the improbability of the United States attempting to make acts done in Panama  
3 or Costa Rica criminal is obvious, yet the law begins by making criminal the acts for which it gives a right to sue.  
4 We think it entirely plain that what the defendant did in Panama or Costa Rica is not within the scope of the  
5 statute so far as the present suit is concerned. Other objections of a serious nature are urged, but need not be  
6 discussed.  
7 [*American Banana Co. v. U.S. Fruit*, 213 U.S. 347 at 357-358]

8 YOUR ANSWER (circle one): Admit/Deny

- 9 7. Admit that the United States Constitution establishes two separate and distinct political and legal communities, each with  
10 its own distinct types of “citizens”, courts, and jurisdictions: 1. States of the Union under the Constitution; 2. Federal  
11 territory not under the jurisdiction of any Constitutional state.

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

17  
18 “I take leave to say that, if the principles thus announced should ever receive the sanction of a majority of this  
19 court, a radical and mischievous change in our system of government will result. We will, in that event, pass  
20 from the era of constitutional liberty guarded and protected by a written constitution into an era of legislative  
21 absolutism..

22 [ . . . ]

23 *“The idea prevails with some, indeed it has found expression in arguments at the bar, that we have in this country*  
24 *substantially two national governments; one to be maintained under the Constitution, with all of its*  
25 *restrictions; the other to be maintained by Congress outside the independently of that instrument, by exercising*  
26 *such powers [of absolutism] as other nations of the earth are accustomed to..*

27 [ . . . ]

28 *It will be an evil day for American liberty if the theory of a government outside the supreme law of the land*  
29 *finds lodgment in our constitutional jurisprudence. No higher duty rests upon this court than to exert its full*  
30 *authority to prevent all violation of the principles of the Constitution.*  
31 [*Downes v. Bidwell*, 182 U.S. 244 (1901), Justice Harlan, Dissenting]

32 YOUR ANSWER (circle one): Admit/Deny

- 33 8. Admit that the separation between the two jurisdictions established by the Constitution is the basis for the protection of  
34 Constitutional rights and is called the Separation of Powers Doctrine:

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

45  
46 See also:

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

9. Admit that states of the Union are “foreign states” for the purposes of legislative jurisdiction and therefore not within the civil legislative or territorial jurisdiction of the national government:

**“The States between each other are sovereign and independent.** They are distinct and separate sovereignties, except so far as they have parted with some of the attributes of sovereignty by the Constitution. **They continue to be nations, with all their rights, and under all their national obligations, and with all the rights of nations in every particular;** except in the surrender by each to the common purposes and objects of the Union, under the Constitution. The rights of each State, when not so yielded up, remain absolute.”  
[Bank of Augusta v. Earle, [38 U.S. \(13 Pet.\) 519](#); 10 L.Ed. 274 (1839)]

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

§1. Definitions, Nature, and Distinctions

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

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

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

**“As used in this title, the term ‘territories’ generally refers to the political subdivisions created by congress, and not within the boundaries of any of the several states.”**  
[86 Corpus Juris Secundum (C.J.S.), Territories, §1: Definitions, Nature, and Distinctions (2003)]

YOUR ANSWER:\_\_\_\_\_

10. Admit that the U.S. government enjoys no civil statutory or legal jurisdiction within the bounds of a Constitutional state of the Union except within federal enclaves:

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

YOUR ANSWER:\_\_\_\_\_

11. Admit that a “national” is statutorily defined as a person who owes allegiance to a “[state](#)”:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
[Sec. 1101. - Definitions](#)

(a) Definitions

(21) The term "national" means a person owing permanent allegiance to a state.

YOUR ANSWER:\_\_\_\_\_

12. Admit that the lower case term “state” as used in 8 U.S.C. §1101(a)(21) above means a legislatively foreign state, and that it would be capitalized if it were a domestic “State” mentioned in 4 U.S.C. §110(d), and which is a federal territory or possession.

**TITLE 4 - FLAG AND SEAL, SEAT OF GOVERNMENT, AND THE STATES**  
**CHAPTER 4 - THE STATES**  
Sec. 110. Same; definitions

(d) The term "State" includes any Territory or possession of the United States.

“Whenever you are reading a particular law, including the U.S. Constitution, or a statute, the Sovereign referenced in that law, who is usually the author of the law, is referenced in the law with the first letter of its name capitalized. For instance, in the U.S. Constitution the phrase “We the People”, “State”, and “Citizen” are all capitalized, because these were the sovereign entities who were writing the document residing in the States. This document formed the federal government and gave it its authority. Subsequently, the federal government wrote statutes to implement the intent of the Constitution, and it became the Sovereign, but only in the context of those territories and lands ceded to it by the union states. When that federal government then refers in statutes to federal “States”, for instance in 26 U.S.C. §7701(a)(10) or 4 U.S.C. §110(d), then these federal “States” are Sovereigns because they are part of the territory controlled by the Sovereign who wrote the statute, so they are capitalized. Foreign states referenced in the federal statutes then must be in lower case. The sovereign 50 union states, for example, must be in lower case in federal statutes because of this convention because they are foreign states. Capitalization is therefore always relative to who is writing the document, which is usually the Sovereign and is therefore capitalized. The exact same convention is used in the Bible, where all appellations of God are capitalized because they are sovereigns: “Jesus”, “God”, “Him”, “His”, “Father”. These words aren’t capitalized because they are proper names, but because the entity described is a sovereign or an agent or part of the sovereign. The only exception to this capitalization rule is in state revenue laws, where the state legislators use the same capitalization as the Internal Revenue Code for “State” in referring to federal enclaves within their territory because they want to scam money out of you. In state revenue laws, for instance in the California Revenue and Taxation Code (R&TC), sections 17018 and 6017, “State” means a federal State within the boundaries of California and described as part of the Buck Act of 1940 found in 4 U.S.C. §§105-113. See the following URL to see what we mean:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=17001-18000&file=17001-17039.1>”

[SOURCE: Geographical Definitions and Conventions, Form #11.215  
<http://sedm.org/SampleLetters/DefinitionsAndConventions.htm>]

YOUR ANSWER:\_\_\_\_\_

13. Admit that the U.S. Supreme Court has identified three geographical definitions of the term “United States”.

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

**Table 33: Meanings assigned to "United States" by the U.S. Supreme Court in Hooven & Allison v. Evatt**

#	U.S. Supreme Court Definition of “United States” in Hooven	Context in which usually used	Referred to in this article as	Interpretation
1	“It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations.”	International law	“United States*”	“These united States,” when traveling abroad, you come under the jurisdiction of the President through his agents in the U.S. State Department, where “U.S.” refers to the sovereign society. You are a “Citizen of the United States” like someone is a Citizen of France, or England. We identify this version of “United States” with a single

#	U.S. Supreme Court Definition of "United States" in <i>Hooven</i>	Context in which usually used	Referred to in this article as	Interpretation
				asterisk after its name: "United States*" throughout this article.
2	"It may designate the territory over which the sovereignty of the United States extends, or"	Federal law Federal forms	"United States**"	"The United States (the District of Columbia, possessions and territories)". Here Congress has exclusive legislative jurisdiction. In this sense, the term "United States" is a singular noun. You are a person residing in the District of Columbia, one of its Territories or Federal areas (enclaves). Hence, even a person living in the one of the sovereign States could still be a member of the Federal area and therefore a "citizen of the United States." This is the definition used in most "Acts of Congress" and federal statutes. We identify this version of "United States" with two asterisks after its name: "United States**" throughout this article. This definition is also synonymous with the "United States" corporation found in 28 U.S.C. §3002(15)(A).
3	"...as the collective name for the states which are united by and under the Constitution."	Constitution of the United States	"United States***"	"The several States which is the <u>united States of America</u> ." Referring to the <u>50 sovereign States</u> , which are united under the <u>Constitution of the United States of America</u> . The federal areas within these states are not included in this definition because the <u>Congress does not</u> have exclusive legislative authority over any of the <u>50 sovereign States within the Union of States</u> . Rights are retained by the <u>States</u> in the 9th and 10th Amendments, and you are a " <u>Citizen of these united States</u> ." This is the definition used in the Constitution for the United States of America. We identify this version of "United States" with a three asterisks after its name: "United States***" throughout this article.

YOUR ANSWER (circle one): Admit/Deny

14. Admit that under maxims of the common law, any attempt to use a word such as "United States" either independently or in connection with the phrase "U.S. citizen", or "citizen of the United States" WITHOUT defining WHICH SPECIFIC "United States" is implied in the *Hooven & Allison Co. v. Evatt*, 324 U.S. 652 (1945) should be interpreted as a deliberate attempt to DECEIVE the hearer and commit constructive fraud.

*"Dolus versatur generalibus. **A deceiver deals in generals.** 2 Co. 34."*

*"Fraus latet in generalibus. **Fraud lies hid in general expressions.**"*

*Generale nihil certum implicat. **A general expression implies nothing certain.** 2 Co. 34.*

*Ubi quid generaliter conceditur, in est haec exceptio, si non aliquid sit contra jus fasque. **Where a thing is concealed generally, this exception arises, that there shall be nothing contrary to law and right.** 10 Co. 78.*  
*[Bouvier's Maxims of Law, 1856]*

15. Admit that the only jurisdiction above which encompasses ONLY "territory" of the United States is definition 2 above, which is abbreviated as "United States\*\*" in the table.

YOUR ANSWER (circle one): Admit/Deny

16. Admit that because there are three geographical definitions of the term "United States", then there must also be at least three distinct and different types of "citizens of the United States".

YOUR ANSWER (circle one): Admit/Deny

17. Admit that in addition to the geographical context for the term "United States", the term can ALSO be used to represent "United States" as a corporation and a legal person RATHER than simply a geographic place:

TITLE 28 > PART VI > CHAPTER 176 > SUBCHAPTER A > Sec. 3002.  
TITLE 28 - JUDICIARY AND JUDICIAL PROCEDURE



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

Sec. 3002. Definitions

(15) "United States" means -

(A) a Federal corporation;

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

(C) an instrumentality of the United States.

YOUR ANSWER (circle one): Admit/Deny

18. Admit that a "citizen of the United States" born within and domiciled within Puerto Rico, which is federal territory under 4 U.S.C. §110(d), is a statutory "national and citizen of the United States\*\* at birth" as defined in [8 U.S.C. §1401](#) and is not protected or described in or by the Constitution, unless of course Congress has EXPRESSLY extended a specific provision of the Constitution by legislative act to Puerto Rico.

"The 1<sup>st</sup> section of the 14<sup>th</sup> article [Fourteenth Amendment], to which our attention is more specifically invited, opens with a definition of citizenship—not only citizenship of the United States[\*\*\*], but citizenship of the states. No such definition was previously found in the Constitution, nor had any attempt been made to define it by act of Congress. It had been the occasion of much discussion in the courts, by the executive departments and in the public journals. It had been said by eminent judges that no man was a citizen of the United States[\*\*\*] except as he was a citizen of one of the states composing the Union. Those therefore, who had been born and resided always in the District of Columbia or in the territories, though within the United States[\*], were not citizens. Whether this proposition was sound or not had never been judicially decided." [Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873)]

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

YOUR ANSWER (circle one): Admit/Deny

19. Admit that a "citizen of the United States" domiciled within Puerto Rico, which is federal territory under 4 U.S.C. §110(d), is "subject to ITS jurisdiction" as referred to in 26 C.F.R. §1.1-1(c) rather than "subject to THE jurisdiction" as referred to in the Fourteenth Amendment.

United States Constitution  
Fourteenth Amendment

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

[26 C.F.R. §1.1-1\(c\):](#)

(c) Who is a [statutory] citizen.

*Every person born or naturalized in the United States[\*\*] and subject to ITS [that is, LEGISLATIVE] jurisdiction is a [statutory and not constitutional] citizen. For other rules governing the acquisition of citizenship, see Chapters 1 and 2 of Title III of the Immigration and Nationality Act (8 U.S.C. §1401-1459). For rules governing loss of citizenship, see sections 349 to 357, inclusive, of such Act (8 U.S.C. 1481-1489), *Schneider v. Rusk*, 377 U.S. 163 (1964), and *Rev.Rul. 70-506, C.B. 1970-2, 1*. For rules pertaining to persons who are nationals but not citizens at birth, e.g., a person born in American Samoa, see section 308 of such Act (8 U.S.C. 1408). For special rules applicable to certain expatriates who have lost citizenship with a principal purpose of avoiding certain taxes, see section 877. A foreigner who has filed his declaration of intention of becoming a citizen but who has not yet been admitted to citizenship by a final order of a naturalization court is an alien.*

YOUR ANSWER (circle one): Admit/Deny

20. Admit that one can be “subject to **THE POLITICAL** jurisdiction” while NOT being “subject to **ITS LEGISLATIVE** jurisdiction” of a specific nation by having a civil domicile outside the territory of that jurisdiction and in a legislatively “foreign state”, which could be either a foreign country or a state of the Union.

*“This section contemplates two sources of citizenship, and two sources only, -birth and naturalization. The persons declared to be citizens are ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof.’ **The evident meaning of these last words is, not merely subject in some respect or degree to the jurisdiction of the United States, but completely subject to their [plural, not singular, meaning states of the Union] political jurisdiction, and owing them [the state of the Union] direct and immediate allegiance.** And the words relate to the time of birth in the one case, as they do [169 U.S. 649, 725] to the time of naturalization in the other. Persons not thus subject to the jurisdiction of the United States at the time of birth cannot become so afterwards, except by being naturalized, either individually, as by proceedings under the naturalization acts, or collectively, as by the force of a treaty by which foreign territory is acquired.”* [U.S. v. Wong Kim Ark, [169 U.S. 649](#), 18 S.Ct. 456; 42 L.Ed. 890 (1898)]

YOUR ANSWER (circle one): Admit/Deny

21. Admit that it is possible to be a statutory “nonresident alien” under 26 U.S.C. §7701(b)(1)(B) and a Constitutional “citizen” under the Fourteenth Amendment AT THE SAME TIME, if one is domiciled in a constitutional state of the Union and the term “United States” as used below refers to federal territory ONLY AND if the party with that status lawfully occupies a public office in the national but not state government.

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > § 1101](#)  
[§ 1101. Definitions](#)

(a) As used in this chapter—

(3) The term “alien” means any person not a citizen or national of the United States[\*\*].

*“Constitutionally, only those born or naturalized in the United States and subject to the jurisdiction thereof, are citizens. Const.Amdt. XIV. The power to fix and determine the rules of naturalization is vested in the Congress. Const.Art. I, sec. 8, cl. 4. Since all persons born outside of the [CONSTITUTIONAL] United States, are “foreigners,”[1] and not subject to the jurisdiction of the United States, the statutes, such as § 1993 and 8 U.S.C.A. §601 [currently 8 U.S.C. §1401], derive their validity from the naturalization power of the Congress. *Elk v. Wilkins*, 1884, 112 U.S. 94, 101, 5 S.Ct. 41, 28 L.Ed. 643; *Wong Kim Ark v. U. S.*, 1898, 169 U.S. 649, 702, 18 S.Ct. 456, 42 L.Ed. 890. **Persons in whom citizenship is vested by such statutes are naturalized citizens and not native-born citizens.** *Zimmer v. Acheson*, 10 Cir. 1951, 191 F.2d. 209, 211; *Wong Kim Ark v. U. S.*, supra.”* [Ly Shew v. Acheson, 110 F.Supp. 50 (N.D. Cal., 1953)]

FOOTNOTES:

[1] See *Boyd v. State of Nebraska ex rel. Thayer*, 1892, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103; *U.S. v. Harbanuk*, 2 Cir. 1933, 62 F.2d. 759, 761.

YOUR ANSWER:\_\_\_\_\_

22. Admit that all federal legislation, excepting the following subject matters, is limited to federal territory, federal property, and those domiciled on federal territory and therefore protected by federal law:

22.1 Interstate commercial crimes under Article 1, Section 8, Clause 3 of the U.S. Constitution.

22.2 Postal fraud. See Article 1, Section 8, Clause 7 of the U.S. Constitution..

22.3 Counterfeiting under Article 1, Section 8, Clause 6 of the U.S. Constitution.

22.4 Treason under Article 4, Section 2, Clause 3 of the U.S. Constitution.

22.5 Jurisdiction over naturalization and exportation of Constitutional aliens.

22.6 Slavery, involuntary servitude, or peonage under the Thirteenth Amendment, 42 U.S.C. §1994, 18 U.S.C. §1581. and 18 U.S.C. §1589(3).

*"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)]

YOUR ANSWER (circle one): Admit/Deny

23. Admit that a statutory "citizen of the United States" as defined in 8 U.S.C. §1401 and a constitutional "citizen of the United States" as defined in section 1 of the Fourteenth Amendment are mutually exclusive types of citizens and that a person CANNOT be BOTH types of citizens at the same time.

YOUR ANSWER (circle one): Admit/Deny

24. Admit that the following definition describes federal territory that is not within the exclusive jurisdiction of any state of the Union.

TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101. [Aliens and Nationality]  
Sec. 1101. - Definitions

(a)(38) The term "United States", except as otherwise specifically herein provided, when used in a geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States.

YOUR ANSWER (circle one): Admit/Deny

25. Admit that the definition of "continental United States" below does not pertain to the above but ALSO adds areas under the exclusive jurisdiction of states of the Union, and that this addition was necessary because jurisdiction over constitutional but not statutory aliens is enjoyed by the federal government EVERYWHERE in the American Union.

TITLE 8--ALIENS AND NATIONALITY CHAPTER I--IMMIGRATION AND NATURALIZATION SERVICE,  
DEPARTMENT OF JUSTICE  
PART 215--CONTROLS OF ALIENS DEPARTING FROM THE UNITED STATES[\*\*]

Section 215.1: Definitions

(f) The term continental United States[\*\*] means the District of Columbia and the several States, except Alaska and Hawaii.

While under our constitution and form of government the great mass of local matters is controlled by local authorities, the United States, in their relation to foreign countries and their subjects or citizens, are one nation, invested with powers which belong to independent nations, the exercise of which can be invoked for the maintenance of its absolute independence and security throughout its entire territory. The powers to declare war, make treaties, suppress insurrection, repel invasion, regulate foreign commerce, secure republican governments to the states, and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more

or less, the conduct of all civilized nations. As said by this court in the case of *Cohens v. Virginia*, 6 Wheat. 264, 413, speaking by the same great chief justice: **“That the United States form, for many, and for most important purposes, a single nation, has not yet been denied. In war, we are one people. In making peace, we are one people. In all commercial regulations, we are one and the same people. In many other respects, the American people are one; and the government which is alone capable of controlling and managing their interests in all these respects is the government of the Union. It is their government, and in that character they have no other. America has chosen to [130 U.S. 581, 605] be in many respects, and to many purposes, a nation; and for all these purposes her government is complete; to all these objects, it is competent. The people have declared that in the exercise of all powers given for these objects it is supreme. It can, then, in effecting these objects, legitimately control all individuals or governments within the American territory.”**

[. . .]

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

YOUR ANSWER (circle one): Admit/Deny

26. Admit that a Constitutional “citizen of the United States” born within or naturalized while domiciled within a constitutional state of the Union is defined as a “national” under [8 U.S.C. §1101\(a\)\(21\)](#):

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)  
[Sec. 1101. - Definitions](#)

(21) The term "national" means a person owing permanent allegiance to a state.

YOUR ANSWER (circle one): Admit/Deny

27. Admit that neither the “federal government” nor the “national government” have civil legislative jurisdiction within a state of the Union, according to the U.S. Supreme Court.

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

YOUR ANSWER (circle one): Admit/Deny

28. Admit that because neither the “federal government” nor the “national government” have civil legislative jurisdiction within a state of the Union, then no statute or “legislation” that it might write can prescribe the status or condition, including the citizenship status, of those born within the exclusive jurisdiction of a state of the Union.

**“Judge Story, in his treatise on the Conflicts of Laws, lays down, as the basis upon which all reasonings on the law of comity must necessarily rest, the following maxims: First 'that every nation possesses an exclusive sovereignty and jurisdiction within its own territory'; secondly, 'that no state or nation can by its laws directly affect or bind property out of its own territory, or bind persons not resident therein, whether they are natural born subjects or others.' The learned judge then adds: 'From these two maxims or propositions there follows a third, and that is that whatever force and obligation the laws of one country have in another depend solely upon the laws and municipal regulation of the latter; that is to say, upon its own proper jurisdiction and polity, and upon its own express or tacit consent.' Story on Conflict of Laws §23.”**  
[*Baltimore & Ohio Railroad Co. v. Chambers*, 73 Ohio.St. 16, 76 N.E. 91, 11 L.R.A., N.S., 1012 (1905)]

YOUR ANSWER (circle one): Admit/Deny

29. Admit that the “national government” and the “federal government” legislate for two distinctly different and mutually exclusive territorial jurisdictions.

1 "It is clear that Congress as a legislative body, exercises two species of legislative power: the one, limited as to  
2 its objects but extending all over the Union; the other, an absolute, exclusive legislative power over the District  
3 of Columbia."  
4 [*Cohens v. Virginia*, 19 U.S. 264, 6 Wheat. 265; 5 L.Ed. 257 (1821)]  
5

6 "NATIONAL GOVERNMENT. The government of a whole nation, as distinguished from that of a local or  
7 territorial division of the nation, and also as distinguished from that of a league or confederation.

8 "A national government is a government of the people of a single state or nation, united as a community by what  
9 is termed the "social compact," and possessing complete and perfect supremacy over persons and things, so far  
10 as they can be made the lawful objects of civil government. A federal government is distinguished from a  
11 national government by its being the government of a community of independent and sovereign states, united  
12 by compact." *Piqua Branch Bank v. Knoup*, 6 Ohio.St. 393."  
13 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 1176]  
14

15 "FEDERAL GOVERNMENT. The system of government administered in a state formed by the union or  
16 confederation of several independent or quasi independent states; also the composite state so formed.

17 In strict usage, there is a distinction between a confederation and a federal government. The former term denotes  
18 a league or permanent alliance between several states, each of which is fully sovereign and independent, and  
19 each of which retains its full dignity, organization, and sovereignty, though yielding to the central authority a  
20 controlling power for a few limited purposes, such as external and diplomatic relations. In this case, the  
21 component states are the units, with respect to the confederation, and the central government acts upon them,  
22 not upon the individual citizens. In a federal government, on the other hand, the allied states form a union,-  
23 not, indeed, to such an extent as to destroy their separate organization or deprive them of quasi sovereignty  
24 with respect to the administration of their purely local concerns, but so that the central power is erected into a  
25 true state or nation, possessing sovereignty both external and internal, while the administration of national  
26 affairs is directed, and its effects felt, not by the separate states deliberating as units, but by the people of all,  
27 in their collective capacity, as citizens of the nation. The distinction is expressed, by the German writers, by the  
28 use of the two words "Staatenbund" and "Bundesstaat;" the former denoting a league or confederation of states,  
29 and the latter a federal government, or state formed by means of a league or confederation.  
30 [Black's Law Dictionary, Revised Fourth Edition, 1968, p. 740]

31 YOUR ANSWER (circle one): Admit/Deny

- 32 30. Admit that the "national government" legislates ONLY for federal territory, domiciliaries, and property and not for any  
33 component of the states of the Union, and that it does so under the authority of Article 4, Section 3, Clause 2 of the  
34 Constitution, and that the U.S. Supreme Court calls this jurisdiction the "national domain".

35 "A person arbitrarily or forcibly held against his will for the purpose of compelling him to render personal  
36 services in discharge of a debt is in a condition of peonage. It was not claimed in that case that peonage was  
37 sanctioned by or could be maintained under the Constitution or laws either of Florida or Georgia. The argument  
38 there on behalf of the accused was, in part, that the 13th Amendment was directed solely against the states and  
39 their laws, and that its provisions could not be made applicable to individuals whose illegal conduct was not  
40 authorized, permitted, or sanctioned by some act, resolution, order, regulation, or usage of the state. That  
41 argument was rejected by every member of this court, and we all agreed that Congress had power, under the 13th  
42 Amendment, not only to forbid the existence of peonage, but to make it an offense against the United States for  
43 any person to hold, arrest, return, or cause to be held, arrested or returned, or who in any manner aided in the  
44 arrest or return, of another person, to a condition of peonage. After quoting the above sentences from the opinion  
45 in the Civil Rights Cases, Mr. Justice Brewer, speaking for the court, said: 'Other authorities to the same effect  
46 might be cited. It is not open to doubt that Congress may enforce the 13th Amendment by direct legislation,  
47 punishing the holding of a person in slavery or in involuntary servitude, except as a punishment for crime. In the  
48 exercise of that power Congress has enacted these sections denouncing peonage, and punishing one who holds  
49 another in that condition of involuntary servitude. \*34 This legislation is not limited to the  
50 territories or other parts of the strictly national domain, but is operative  
51 in the states and wherever the sovereignty of the United States extends. We  
52 entertain no doubt of the validity of this legislation, or of its applicability to the case of any person holding another  
53 in a state of peonage, and this whether there be municipal ordinance or state law sanctioning such holding. It  
54 operates directly on every citizen of the republic, wherever his residence may be.'  
55 [*Hodges v. U.S.*, 203 U.S. 1, 27 S.Ct. 6 (U.S. 1906)]  
56

57 "It is contended that we should dismiss this action on the ground that the Attorney General has not been granted  
58 power either to file or to maintain it. It is \*27 not denied that Congress has given a very broad authority to the  
59 Attorney General to institute and conduct litigation in order to establish and safeguard government rights and



properties.<sup>135</sup> The argument is that Congress has for a long period of years acted in such a way as to manifest a clear policy to the effect that the states, not the Federal Government, have legal title to the land under the three-mile belt. Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.

An Act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. For Article IV, s 3, Cl. 2 of the Constitution vests in Congress 'Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.' We have said that the constitutional power of Congress in this respect is without limitation. United States v. City and County of San Francisco, 310 U.S. 16, 29, 30, 60 S.Ct. 749, 756, 757, 84 L.Ed. 1050. Thus neither the courts nor the executive agencies, could proceed contrary to an Act of Congress in this congressional area of national power. [U.S. v. State of Cal., 332 U.S. 19, 67 S.Ct. 1658 (U.S. 1947)]

YOUR ANSWER (circle one): Admit/Deny

31. Admit that persons neither domiciled on federal territory nor participating in federal franchises are NOT part of the "national domain" or the "national government" as defined earlier.

YOUR ANSWER (circle one): Admit/Deny

32. Admit that any attempt to "presume" or conclude that a person or his private property is part of the "national domain" who in fact is not part of said domain constitutes an act of THEFT in which private property is being unlawfully converted to a "public use" without compensation and in criminal violation of 18 U.S.C. §654 if the owner of the property did not consent.

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

YOUR ANSWER (circle one): Admit/Deny

33. Admit that the distinctions between the "national government" and the "federal government" is a product of the separation of powers doctrine, which was put there by the framers of the constitution for the express purpose of protecting our rights and liberties.

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

<sup>135</sup> 5 U.S.C. §§291, 309, 5 U.S.C.A. §§291, 309; United States v. San Jacinto Tin Co., 125 U.S. 273, 279, 284, 8 S.Ct. 850, 854, 856, 31 L.Ed. 747; Kern River Co. v. United States, 257 U.S. 147, 154, 155, 42 S.Ct. 60, 62, 63, 66 L.Ed. 175; Sanitary District of Chicago v. United States, 266 U.S. 405, 425, 426, 45 S.Ct. 176, 178, 179, 69 L.Ed. 352; see also In re Debs, 158 U.S. 564, 584, 15 S.Ct. 900, 906, 39 L.Ed. 1092; United States v. State of Oregon, 295 U.S. 1, 24, 55 S.Ct. 610, 619, 79 L.Ed. 1267; United States v. State of Wyoming, 323 U.S. 669, 65 S.Ct. 34, 89 L.Ed. 543; 331 U.S. 440, 67 S.Ct. 1319.

YOUR ANSWER (circle one): Admit/Deny

34. Admit that those in the legal profession or the government who refuse to acknowledge all of the implications of the separation of powers doctrine are engaged in a willful oppression of the rights and liberties of those persons in states of the Union who are protected by it.

See: <http://famguardian.org/Subjects/LawAndGovt/Articles/SeparationOfPowersDoctrine.htm>

YOUR ANSWER (circle one): Admit/Deny

35. Admit that a judge or public servant who refuses to recognize all of the implications of the separation of powers doctrine is a de facto usurper and tyrant who is acting as a private individual and not an officer of the government.

*“... the maxim that the King can do no wrong has no place in our system of government; yet it is also true, in respect to the State itself, that whatever wrong is attempted in its name is imputable to its government and not to the State, for, as it can speak and act only by law, whatever it does say and do must be lawful. That which therefore is unlawful because made so by the supreme law, the Constitution of the United States, is not the word or deed of the State, but is the mere wrong and trespass of those individual persons who falsely spread and act in its name.”*

*“This distinction is essential to the idea of constitutional government. To deny it or blot it out obliterates the line of demarcation that separates constitutional government from absolutism, free self- government based on the sovereignty of the people from that despotism, whether of the one or the many, which enables the agent of the state to declare and decree that he is the state; to say ‘L’Etat, c’est moi.’ Of what avail are written constitutions, whose bills of right, for the security of individual liberty, have been written too often with the blood of martyrs shed upon the battle-field and the scaffold, if their limitations and restraints upon power may be overpassed with impunity by the very agencies created and appointed to guard, defend, and enforce them; and that, too, with the sacred authority of law, not only compelling obedience, but entitled to respect? And how else can these principles of individual liberty and right be maintained, if, when violated, the judicial tribunals are forbidden to visit penalties upon individual offenders, who are the instruments of wrong, whenever they interpose the shield of the state? The doctrine is not to be tolerated. The whole frame and scheme of the political institutions of this country, state and federal, protest against it. Their continued existence is not compatible with it. It is the doctrine of absolutism, pure, simple, and naked, and of communism which is its twin, the double progeny of the same evil birth.”*

*[Poindexter v. Greenhow, 114 U.S. 270; 5 S.Ct. 903 (1885)]*

YOUR ANSWER (circle one): Admit/Deny

36. Admit that a judge or public servant who refuses to recognize all of the implications of the separation of powers doctrine upon his authority is violating his/her oath of office and acting not as a judge, but a private individual who has surrendered judicial and sovereign immunity and agreed to accept personal responsibility for his usurpations.

*“An officer who acts in violation of the Constitution ceases to represent the government.”*  
*[Brookfield Const. Co. v. Stewart, 284 F.Supp. 94]*

*“In another, not unrelated context, Chief Justice Marshall’s exposition in Cohens v. Virginia, 6 Wheat, 264 (1821) TA \l “Cohens v. Virginia, 6 Wheat, 264 (1821)” \s “Cohens v. Virginia, 6 Wheat, 264 (1821)” \c 1 , could well have been the explanation of the Rule of Necessity; he wrote that a court “must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure because it approaches the confines of the constitution. We cannot pass it by, because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Questions may occur which we would gladly avoid; but we cannot avoid them.” Id., at 404 (emphasis added)*  
*[U.S. v. Will, 449 U.S. 200 (1980)]*

"In such case the judge has lost his judicial function, has become a mere private person, and is liable as a trespasser for damages resulting from his unauthorized acts."

"Judge's honesty of purpose and sincere belief that he was acting in discharge of his official duty was not available as defense in action."

"Where there is no jurisdiction there is no judge; the proceeding is as nothing. Such has been the law from the days of the Marshalsea, 10 Coke 68; also Bradley v. Fisher, 13 Wall 335,351."  
[Manning v. Ketcham, 58 F.2d. 948]

YOUR ANSWER (circle one): Admit/Deny

37. Admit that Subtitle A of the Internal Revenue Code only applies to ONE of the three definitions of "United States" indicated above, in which the "United States" is defined as the District of Columbia pursuant to [26 U.S.C. §7701\(a\)\(9\)](#) and (a)(10).

[TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > Sec. 7701. [Internal Revenue Code]  
[Sec. 7701. - Definitions](#)

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

(9) United States

The term "United States" when used in a geographical sense includes only the [States](#) and the District of Columbia.

(10) State

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

YOUR ANSWER (circle one): Admit/Deny

38. Admit that when a statutory definition of a word is provided, that definition supersedes and replaces, and NOT enlarges, the common or ordinary meaning of the word.

"It is axiomatic that the statutory definition of the term excludes unstated meanings of that term. Colautti v. Franklin, 439 U.S. 379, 392, and n. 10 (1979). Congress' use of the term "propaganda" in this statute, as indeed in other legislation, has no pejorative connotation. As judges, it is our duty to [481 U.S. 485] construe legislation as it is written, not as it might be read by a layman, or as it might be understood by someone who has not even read it."  
[Meese v. Keene, 481 U.S. 465, 484 (1987)]

YOUR ANSWER:\_\_\_\_\_

39. Admit that the things or classes of things described in a statutory definition exclude all things not specifically and EXPRESSLY identified somewhere within the statute or other related sections of the Title:

"As a rule, 'a definition which declares what a term "means" . . . excludes any meaning that is not stated'"  
[Colautti v. Franklin, 439 U.S. 379 (1979), n. 10]

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

YOUR ANSWER:\_\_\_\_\_

40. Admit that no judge has the authority to enlarge or expand a definition to include things not explicitly stated in the statute itself because judges are not part of the legislative branch of the government.

1 "In the interpretation of statutes levying taxes, it is the established rule not to extend their provisions by  
2 implication beyond the clear import of the language used, or to enlarge their operations so as to embrace matters  
3 not specifically pointed out. In case of doubt they are construed most strongly against the government and in  
4 favor of the citizen."  
5 [Gould v. Gould, 245 U.S. 151 (1917)]

6 YOUR ANSWER: \_\_\_\_\_

- 7 41. Admit that a judge who extends the meaning of a term beyond that clearly stated in the statute itself is effectively  
8 "legislating from the bench", exceeding his or her delegated authority, and destroying the separation of powers which  
9 was put there for the protection of natural or Constitutional rights.

10 "But, allowing the people to make constitutions and unmake them, allowing their representatives to make laws  
11 and unmake them, and without our interference as to their principles or policy in doing it, yet, when constitutions  
12 and laws are made and put in force by others, then the courts, as empowered by the State or the Union, commence  
13 their functions and may decide on the rights which conflicting parties can legally set up under them, rather than  
14 about their formation itself. Our power begins after theirs ends. Constitutions and laws precede the judiciary,  
15 and we act only under and after them, and as to disputed rights beneath them, rather than disputed points in  
16 making them. We speak what is the law, jus dicere, we speak or construe what is the constitution, after both  
17 are made, but we make, or revise, or control neither."  
18 [Luther v. Borden, 48 U.S. 1 (1849)]

19 YOUR ANSWER: \_\_\_\_\_

- 20 42. Admit that the ordinary or common definition of a word appearing within a revenue statute may only be implied when  
21 there is no governing statutory definition.

22 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's  
23 ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
24 of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a  
25 rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated'"); Western  
26 Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-  
27 96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p.  
28 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole," post at 998 [530  
29 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition. That definition does not include the Attorney  
30 General's restriction -- "the child up to the head." Its words, "substantial portion," indicate the contrary."  
31 [Stenberg v. Carhart, 530 U.S. 914 (2000)]

32 YOUR ANSWER: \_\_\_\_\_

- 33 43. Admit that when the word "include" is used within a statutory definition in its context of meaning "in addition to", the  
34 other things that it adds to must also be specified in another section of the statutes as well or the statute is void for  
35 vagueness.

36 "When a statute includes an explicit definition, we must follow that definition, even if it varies from that term's  
37 ordinary meaning. Meese v. Keene, 481 U.S. 465, 484-485 (1987) ("It is axiomatic that the statutory definition  
38 of the term excludes unstated meanings of that term"); Colautti v. Franklin, 439 U.S. at 392-393, n. 10 ("As a  
39 rule, 'a definition which declares what a term 'means' . . . excludes any meaning that is not stated'"); Western  
40 Union Telegraph Co. v. Lenroot, 323 U.S. 490, 502 (1945); Fox v. Standard Oil Co. of N.J., 294 U.S. 87, 95-  
41 96 (1935) (Cardozo, J.); see also 2A N. Singer, Sutherland on Statutes and Statutory Construction § 47.07, p.  
42 152, and n. 10 (5th ed. 1992) (collecting cases). That is to say, the statute, read "as a whole [all sections  
43 considered TOGETHER]," post at 998 [530 U.S. 943] (THOMAS, J., dissenting), leads the reader to a definition.  
44 That definition does not include the Attorney General's restriction -- "the child up to the head." Its words,  
45 "substantial portion," indicate the contrary."  
46 [Stenberg v. Carhart, 530 U.S. 914 (2000)]

47 YOUR ANSWER: \_\_\_\_\_

- 48 44. Admit that the First Amendment recognizes a natural right to both politically and legally associate, and a right to be free  
49 of compelled association with any political or legal group.

50 "The right to associate or not to associate with others solely on the basis of individual choice, not being absolute,  
51 may conflict with a societal interest in requiring one to associate with others, or to prohibit one from associating  
52 with others, in order to accomplish what the state deems to be the common good. The Supreme Court, though  
53 rarely called upon to examine this aspect of the right to freedom of association, has nevertheless established

1 certain basic rules which will cover many situations involving forced or prohibited associations. Thus, where a  
2 sufficiently compelling state interest, outside the political spectrum, can be accomplished only by requiring  
3 individuals to associate together for the common good, then such forced association is constitutional. <sup>136</sup> But the  
4 Supreme Court has made it clear that compelling an individual to become a member of an organization with  
5 political aspects, or compelling an individual to become a member of an organization which financially  
6 supports, in more than an insignificant way, political personages or goals which the individual does not wish  
7 to support, is an infringement of the individual's constitutional right to freedom of association. <sup>137</sup> The First  
8 Amendment prevents the government, except in the most compelling circumstances, from wielding its power to  
9 interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is not merely  
10 a tenure provision that protects public employees from actual or constructive discharge. <sup>138</sup> Thus, First  
11 Amendment principles prohibit a state from compelling any individual to associate with a political party, as a  
12 condition of retaining public employment. <sup>139</sup> The First Amendment protects nonpolicymaking public employees  
13 from discrimination based on their political beliefs or affiliation. <sup>140</sup> But the First Amendment protects the right  
14 of political party members to advocate that a specific person be elected or appointed to a particular office and  
15 that a specific person be hired to perform a governmental function. <sup>141</sup> In the First Amendment context, the  
16 political patronage exception to the First Amendment protection for public employees is to be construed broadly,  
17 so as presumptively to encompass positions placed by legislature outside of "merit" civil service. Positions  
18 specifically named in relevant federal, state, county, or municipal laws to which discretionary authority with  
19 respect to enforcement of that law or carrying out of some other policy of political concern is granted, such as a  
20 secretary of state given statutory authority over various state corporation law practices, fall within the political  
21 patronage exception to First Amendment protection of public employees. <sup>142</sup> However, a supposed interest in  
22 ensuring effective government and efficient government employees, political affiliation or loyalty, or high salaries

<sup>136</sup> Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed.2d. 1191 (1961), reh'g denied, 368 U.S. 871, 82 S.Ct. 23, 7 L.Ed.2d. 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S.Ct. 1044, 100 L.Ed. 1494 (1956) and reh'g denied, 352 U.S. 859, 77 S.Ct. 22, 1 L.Ed.2d. 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

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

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

<sup>137</sup> Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) (conditioning public employment hiring decisions on political belief and association violates the First Amendment rights of applicants in the absence of some vital governmental interest).

<sup>138</sup> Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990).

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

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

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

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

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

<sup>139</sup> Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261, 95 L.R.R.M. (BNA) 2411, 81 Lab.Cas. (CCH) ¶ 55041 (1977), reh'g denied, 433 U.S. 915, 97 S.Ct. 2989, 53 L.Ed.2d. 1102 (1977); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>140</sup> LaRou v. Ridlon, 98 F.3d. 659 (1st Cir. 1996); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

<sup>141</sup> Vickery v. Jones, 100 F.3d. 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed.2d. 701 (U.S. 1997).

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

<sup>142</sup> McCloud v. Testa, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 FED.App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

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

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

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

As to political patronage jobs, see § 472.



1 paid to the employees in question should not be counted as indicative of positions that require a particular party  
2 affiliation.<sup>143</sup>  
3 [American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations (1999)]

4 YOUR ANSWER:\_\_\_\_\_

- 5 45. Admit that the product of choosing one's political and legal associations is the status they declare on government forms  
6 using such words as "citizen", "resident", "inhabitant", and that any of the following activities by any government or  
7 officer of the government to recognize that status is a direct interference with the First Amendment right to politically  
8 and legally associate and constitutes a tort.

9 45.1. Refusing to recognize or give "force of law" to the status one declares on a government form.

10 45.2. Calling one's choice of status, such as "nonresident", frivolous, without merit, or false without evidence signed  
11 under penalty of perjury by the accuser.

12 45.3. Not providing ALL the possible choices on a government form, such as omitting the following statuses:  
13 "nontaxpayer", "nonresident", "transient foreigner".

14 45.4. Forcing the applicant to choose from a filtered list of status options that does represent all possible choices and  
15 saying they won't accept the form unless you choose only from the options presented. For instance, one is a  
16 nonresident and not an "individual" and yet the form only provides "individual" and "resident" as choices.

17 45.5. Refusing to accept government forms submitted to them that have attachments that provide legal definitions of the  
18 statuses indicated on the form, or which add status options deliberately omitted from the form.

19 YOUR ANSWER:\_\_\_\_\_

- 20 46. Admit that implicit in the First Amendment right of freedom to associate or disassociate is the right to CHOOSE what  
21 LEGAL group one wishes to join, and that domicile, or what the courts call "animus manendi" is the method of making  
22 that choice of LEGAL association.

23 YOUR ANSWER:\_\_\_\_\_

- 24 47. Admit that "taxes" cause those paying them to subsidize "political personages" as described in the Am.Jur quote above.

25 YOUR ANSWER:\_\_\_\_\_

- 26 48. Admit that domicile and statutory "U.S. citizen" status (8 U.S.C. §1401) that associates with it, and not nationality, is  
27 what determines whether "taxes" are owed.

28 ***"Thus, the Court has frequently held that domicile or residence, more substantial than mere presence in transit***  
29 ***or sojourn, is an adequate basis for taxation, including income, property, and death taxes.*** Since the Fourteenth  
30 Amendment makes one a citizen of the state wherein he resides, ***the fact of residence creates universally***  
31 ***reciprocal duties of protection by the state and of allegiance and support by the citizen. The latter obviously***  
32 ***includes a duty to pay taxes, and their nature and measure is largely a political matter.*** Of course, the situs of  
33 property may tax it regardless of the citizenship, domicile, or residence of the owner, the most obvious illustration  
34 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 ***"This right to protect persons having a domicile, though not native-born or naturalized citizens, rests on the***  
37 ***firm foundation of justice, and the claim to be protected is earned by considerations which the protecting power***  
38 ***is not at liberty to disregard. Such domiciled citizen pays the same price for his protection as native-born or***  
39 ***naturalized citizens pay for theirs. He is under the bonds of allegiance to the country of his residence, and, if***  
40 ***he breaks them, incurs the same penalties. He owes the same obedience to the civil laws. His property is, in***  
41 ***the same way and to the same extent as theirs, liable to contribute to the support of the Government. In nearly***  
42 ***all respects, his and their condition as to the duties and burdens of Government are undistinguishable.***"

43 [Fong Yue Ting v. United States, [149 U.S. 698](#) (1893)]

44 ***"The power of taxation, indispensable to the existence of every civilized government, is exercised upon the***  
45 ***assumption of an equivalent rendered to the taxpayer in the protection of his person and property, in adding***  
46 ***to the value of such property, or in the creation and maintenance of public conveniences in which he shares --***  
47 ***such, for instance, as roads, bridges, sidewalks, pavements, and schools for the education of his children. If the***

<sup>143</sup> Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

1 taxing power be in no position to render these services, or otherwise to benefit the person or property taxed,  
2 and such property be wholly within the taxing power of another state, to which it may be said to owe an  
3 allegiance, and to which it looks for protection, the taxation of such property within the domicile of the owner  
4 partakes rather of the nature of an extortion than a tax, and has been repeatedly held by this Court to be beyond  
5 the power of the legislature, and a taking of property without due process of law. *Railroad Company v. Jackson*,  
6 7 Wall. 262; *State Tax on Foreign-Held Bonds*, 15 Wall. 300; *Tappan v. Merchants' National Bank*, 19 Wall. 490,  
7 499; *Delaware &c. R. Co. v. Pennsylvania*, 198 U.S. 341, 358. In *Chicago &c. R. Co. v. Chicago*, 166 U.S. 226,  
8 it was held, after full consideration, that the taking of private property [199 U.S. 203] without compensation was  
9 a denial of due process within the Fourteenth Amendment. See also *Davidson v. New Orleans*, 96 U.S. 97, 102;  
10 *Missouri Pacific Railway v. Nebraska*, 164 U.S. 403, 417; *Mt. Hope Cemetery v. Boston*, 158 Mass. 509, 519."  
11 [*Union Refrigerator Transit Company v. Kentucky*, 199 U.S. 194 (1905)]

12 YOUR ANSWER:\_\_\_\_\_

- 13 49. Admit that one cannot be a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 without a domicile on federal territory  
14 subject to the exclusive jurisdiction of Congress under Article 1, Section 8, Clause 17 of the United States Constitution.

15 YOUR ANSWER:\_\_\_\_\_

- 16 50. Admit that if one starts out as a statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 and changes their domicile to be  
17 outside of the "United States" as defined in 26 U.S.C. §7701(a)(9) and (a)(10), such as a constitutional state of the Union,  
18 then they cease to be a statutory "U.S. citizen" and instead become a "nonresident" under the Internal Revenue Code.

19 YOUR ANSWER:\_\_\_\_\_

- 20 51. Admit that there is such a thing as a "nonresident" under the Internal Revenue Code who is NEITHER a "person" (26  
21 U.S.C. §7701(c)), "individual" (26 C.F.R. §1.1441-1(c)(3)), "nonresident alien" (26 U.S.C. §7701(b)(1)(B)).

22 YOUR ANSWER:\_\_\_\_\_

- 23 52. Admit that one can be "not subject", legislatively "foreign", and beyond the jurisdiction of the Internal Revenue Code  
24 WITHOUT being a statutorily "exempt individual" under 26 U.S.C. §7701(b)(5).

25 "Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national  
26 Government] and not to non-taxpayers [state national domiciled in states of the Union without the exclusive  
27 jurisdiction of the national Government]. The latter are without their scope. No procedures are prescribed for  
28 non-taxpayers and no attempt is made to annul any of their Rights or Remedies in due course of law."  
29 [*Economy Plumbing & Heating v. U.S.*, 470 F.2d, 585 (1972)]

30 YOUR ANSWER:\_\_\_\_\_

- 31 53. Admit that any attempt to compel a HUMAN being standing on land protected by the Constitution to complete any tax  
32 form in a way that associates them with ANY specific civil status under the Internal Revenue Code is a violation of the  
33 First Amendment right of freedom from compelled association and also criminal witness tampering (18 U.S.C. §1512)  
34 if the form on which the status appears was signed under penalty of perjury and the person doing the compelling was a  
35 government officer or withholding agent.

36 YOUR ANSWER:\_\_\_\_\_

- 37 54. Admit that either refusing to hire or threatening to fire a person who refuses to assume or consent to a civil status under  
38 the tax code constitutes one or more types of coercion that would trigger the violations of rights in the previous question.

39 YOUR ANSWER:\_\_\_\_\_

- 40 55. Admit that any attempt to interfere with the identification or prosecution of the crimes identified in the previous step,  
41 INCLUDING an attempt to object by saying "Objection: Calls for a legal conclusion", is an evasion of the fiduciary  
42 duty of public officers, licensed attorneys, and all "officers of the court" to protect PRIVATE rights.

1                   *“As expressed otherwise, the powers delegated to a public officer are held in trust for the people and are to be*  
2 *exercised in behalf of the government or of all citizens who may need the intervention of the officer.* <sup>144</sup>  
3 *Furthermore, the view has been expressed that all public officers, within whatever branch and whatever level*  
4 *of government, and whatever be their private vocations, are trustees of the people, and accordingly labor under*  
5 *every disability and prohibition imposed by law upon trustees relative to the making of personal financial gain*  
6 *from a discharge of their trusts.* <sup>145</sup> *That is, a public officer occupies a fiduciary relationship to the political*  
7 *entity on whose behalf he or she serves.* <sup>146</sup> *and owes a fiduciary duty to the public.* <sup>147</sup> *It has been said that*  
8 *the fiduciary responsibilities of a public officer cannot be less than those of a private individual.* <sup>148</sup>  
9 *Furthermore, it has been stated that any enterprise undertaken by the public official which tends to weaken*  
10 *public confidence and undermine the sense of security for individual [PRIVATE] rights is against public*  
11 *policy.* <sup>149</sup>“  
12 [63C American Jurisprudence 2d, Public Officers and Employees, §247 (1999)]

13           YOUR ANSWER:\_\_\_\_\_

- 14   56. Admit that NO FEDERAL TAX FORM recognizes or offers the status of “nontaxpayer” or “non-resident non-person”,  
15   and therefore, that NOT ALL AVAILABLE civil statuses are described or offer on tax forms.

16           YOUR ANSWER:\_\_\_\_\_

- 17   57. Admit that it is perjury under penalty of perjury and possibly fraud for a “non-resident non-person” and/or a  
18   “nontaxpayer” to indicate ANY AVAILABLE civil status on any government tax form if the two statuses of “non-  
19   resident non-person” or “nontaxpayer” are not available as a status option on any tax form.

20           YOUR ANSWER:\_\_\_\_\_

- 21   58. Admit that you cannot be a jurist or a voter in most jurisdictions unless you have a domicile in a place, and that if income  
22   tax liability attaches to ones choice of domicile, then income taxes in effect behave as “poll taxes”.

23           YOUR ANSWER:\_\_\_\_\_

- 24   59. Admit that those without a domicile within a specific jurisdiction cannot serve as jurists and voters in that jurisdiction.

25           YOUR ANSWER:\_\_\_\_\_

- 26   60. Admit that those without a domicile within a specific jurisdiction and who cannot therefore serve as jurists or voters in  
27   that jurisdiction are ineligible to serve as an officer of the state and therefore a statutory “citizen” such as that described  
28   in 8 U.S.C. §1401.

29           8. Citizen defined

30           **Citizenship implies membership in a political society**, the relation of allegiance and protection, **identification**  
31 **with the state, and a participation in its functions**, and while a temporary absence may suspend the relation  
32 *between a state and its citizen, his identification with the state remains where he intends to return.* Pannill v.  
33 *Roanoke Times Co., W.D.Va.1918, 252 F. 910. Aliens, Immigration, And Citizenship 678*

<sup>144</sup> State ex rel. Nagle v. Sullivan, 98 Mont. 425, 40 P.2d. 995, 99 A.L.R. 321; Jersey City v. Hague, 18 N.J. 584, 115 A.2d. 8.

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

<sup>146</sup> Chicago Park Dist. v. Kenroy, Inc., 78 Ill.2d. 555, 37 Ill.Dec. 291, 402 N.E.2d. 181, appeal after remand (1st Dist) 107 Ill.App.3d. 222, 63 Ill.Dec. 134, 437 N.E.2d. 783.

<sup>147</sup> United States v. Holzer, 816 F.2d. 304 (CA7 Ill) and vacated, remanded on other grounds 484 U.S. 807, 98 L.Ed. 2d 18, 108 S.Ct. 53, on remand (CA7 Ill) 840 F.2d. 1343, cert den 486 U.S. 1035, 100 L.Ed. 2d 608, 108 S.Ct. 2022 and (criticized on other grounds by United States v. Osser (CA3 Pa) 864 F.2d. 1056) and (superseded by statute on other grounds as stated in United States v. Little (CA5 Miss) 889 F.2d. 1367) and (among conflicting authorities on other grounds noted in United States v. Boylan (CA1 Mass), 898 F.2d. 230, 29 Fed.Rules.Evid.Serv. 1223).

<sup>148</sup> Chicago ex rel. Cohen v. Keane, 64 Ill.2d. 559, 2 Ill.Dec. 285, 357 N.E.2d. 452, later proceeding (1st Dist) 105 Ill.App.3d. 298, 61 Ill.Dec. 172, 434 N.E.2d. 325.

<sup>149</sup> Indiana State Ethics Comm’n v. Nelson (Ind App), 656 N.E.2d. 1172, reh gr (Ind App) 659 N.E.2d. 260, reh den (Jan 24, 1996) and transfer den (May 28, 1996).

YOUR ANSWER:\_\_\_\_\_

61. Admit that one can be physically present within a country they were born within WITHOUT being a member of the body politic or the "State".

*"State. A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. United States v. Kusche, D.C.Cal., 56 F.Supp. 201 207, 208. The organization of social life which exercises sovereign power in behalf of the people. Delany v. Morallitis, C.C.A.Md., 136 F.2d. 129, 130. In its largest sense, a "state" is a body politic or a society of men. Beagle v. Motor Vehicle Acc. Indemnification Corp., 44 Misc.2d. 636, 254 N.Y.S.2d. 763, 765. A body of people occupying a definite territory and politically organized under one government. State ex re. Maisano v. Mitchell, 155 Conn. 256, 231 A.2d. 539, 542. A territorial unit with a distinct general body of law. Restatement, Second, Conflicts, §3. Term may refer either to body politic of a nation (e.g. United States) or to an individual government unit of such nation (e.g. California).*

[...]

*The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A.B. "*  
[Black's Law Dictionary, Sixth Edition, p. 1407]

YOUR ANSWER:\_\_\_\_\_

62. Admit that the act of simply being born is not an act of EXPRESS CONSENT to become a member of or join any political community, including a "State".

YOUR ANSWER:\_\_\_\_\_

63. Admit that in order to be a "citizen of the United States" under the Fourteenth Amendment, one must be a human being and not artificial entity CONSENSUALLY DOMICILED in a CONSTITUTIONAL but not STATUTORTY "State".

*That newly arrived citizens "have two political capacities, one state and one federal," adds special force to their claim that they have the same rights as others who share their citizenship.<sup>17</sup> Neither mere rationality nor some intermediate standard of review should be used to judge the constitutionality of a state rule that discriminates against some of its citizens because they have been domiciled in the State for less than a year. The appropriate standard may be more categorical than that articulated in Shapiro, see supra, at 8 9, but it is surely no less strict.*

[. . .]

*A bona fide residence requirement simply requires that the person does establish residence before demanding the services that are restricted to residents. The Martinez Court explained that "residence" requires "both physical presence and an intention to remain [domicile]," see id., at 330, and approved a Texas law that restricted eligibility for tuition-free education to families who met this minimum definition of residence, id., at 332 333.*

*While the physical presence element of a bona fide residence is easy to police, the subjective intent element is not. It is simply unworkable and futile to require States to inquire into each new resident's subjective intent to remain. Hence, States employ objective criteria such as durational residence requirements to test a new resident's resolve to remain before these new citizens can enjoy certain in-state benefits. Recognizing the practical appeal of such criteria, this Court has repeatedly sanctioned the State's use of durational residence requirements before new residents receive in-state tuition rates at state universities. Starns v. Malkerson, 401 U.S. 985 (1971), summarily aff'g 326 F. Supp. 234 (Minn. 1970) (upholding 1-year residence requirement for in-state tuition); Sturgis v. Washington, 414 U.S. 1057, summarily aff'g 368 F. Supp. 38 (WD Wash. 1973) (same). The Court has declared: "The State can establish such reasonable criteria for in-state status as to make virtually certain that students who are not, in fact, bona fide residents of the State, but have come there solely for educational purposes, cannot take advantage of the in-state rates." See Vlandis v. Kline, 412 U.S. 441, 453 454 (1973). The Court has done the same in upholding a 1-year residence requirement for eligibility to obtain a divorce in state courts, see Sosna v. Iowa, 419 U.S. 393, 406 409 (1975), and in upholding political party registration restrictions that amounted to a durational residency requirement for voting in primary elections, see Rosario v. Rockefeller, 410 U.S. 752, 760 762 (1973). [Saenz v. Roe, 526 U.S. 489, 119 S.Ct. 1430, 143 L.Ed.2d. 635 (1999)]*

YOUR ANSWER:\_\_\_\_\_

64. Admit that those human beings who are born or naturalized in the COUNTRY “United States\*” but who did not CONSENSUALLY acquired a civil DOMICILE within a constitutional state are “non-resident non-persons” but not Fourteenth Amendment “citizens of the United States” because they do not “reside” in the CONSTITUTIONAL state as used in that amendment.

YOUR ANSWER:\_\_\_\_\_

65. Admit that ALL JUST POWERS of the government derive from the EXPRESS CONSENT of those CIVILLY governed, per the Declaration of Independence.

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

*“Unalienable. Inalienable; incapable of being aliened, that is, sold and transferred [even WITH consent].”  
[Black’s Law Dictionary, Fourth Edition, p. 1693]*

YOUR ANSWER:\_\_\_\_\_

66. Admit that those who DO NOT expressly consent to a civil domicile or register to vote or serve on jury duty are NOT among those “CIVILLY governed” per the Declaration of Independence.

YOUR ANSWER:\_\_\_\_\_

67. Admit that those who REFUSE to expressly consent to a civil domicile or register to vote or serve on jury duty have not only a RIGHT, but a DUTY, to do so per the Declaration of Independence when any government becomes abusive.

*“But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, **it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.**”*  
*[Declaration of Independence, 1776;*  
*SOURCE: [http://www.archives.gov/exhibits/charters/declaration\\_transcript.html](http://www.archives.gov/exhibits/charters/declaration_transcript.html)]*

YOUR ANSWER:\_\_\_\_\_

68. Admit that the Declaration of Independence is ORGANIC LAW of this country passed by the first Congress by their very first enactment in the Statutes At Large and therefore MUST be obeyed by all courts.

See SEDM Exhibit 03.006 and 1 Stat. 1; SOURCE: <http://sedm.org/Exhibits/ExhibitIndex.htm>

YOUR ANSWER:\_\_\_\_\_

69. Admit that anyone who interferes with the exercise of the “duty” described in the Declaration of Independence indirectly is promoting VIOLENCE and ANARCHY, because the remedy described is the ONLY peaceful remedy and all other remedies require violence.

YOUR ANSWER:\_\_\_\_\_

70. Admit that the enforcement of the CRIMINAL law does not require consent or domicile, and therefore, those who effect the disassociation documented in the previous questions are not “anarchists” because they ARE subject to the CRIMINAL law and are NOT exempt from ALL LAW.

YOUR ANSWER:\_\_\_\_\_



1 71. Admit that one can be physically present within a country they were born within WITHOUT being a member of the body  
2 politic or the "State".

3 YOUR ANSWER:\_\_\_\_\_

4 72. Admit that those who have not CONSENSUALLY joined the "body politic" and therefore the "State" by FIRST selecting  
5 a domicile and THEN registering to vote and/or serving on jury duty, even though eligible to register or serve, are not  
6 "citizens" within the meaning of any civil statutory law.

7 YOUR ANSWER:\_\_\_\_\_

8 73. Admit that the phrase "voluntarily submitted himself" in the below definition implies the OPPOSITE right to NOT  
9 VOLUNTEER and therefore NOT be a citizen WITHOUT abandoning one's nationality and allegiance.

10 **"The citizen cannot complain, because he has**  
11 **voluntarily submitted himself to such a form of**  
12 **government. He owes allegiance to the two departments, so to speak, and within their respective**  
13 **spheres must pay the penalties which each exacts for disobedience to its laws. In return, he can demand**  
14 **protection from each within its own jurisdiction.**" "  
15 [United States v. Cruikshank, 92 U.S. 542 (1875) [emphasis added]]

16 \_\_\_\_\_  
17 "citizen. One who, under the [Constitution](#) and laws of the [United States](#), or of a particular state, is a member of  
18 the political community, owing allegiance and being entitled to the enjoyment of full civil rights. All persons born  
19 or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of  
20 the state wherein they reside. [U.S. Const., 14th Amend.](#). See [Citizenship](#).

21 "Citizens" are members of a political community who, in their associated capacity, **have established or submitted**  
22 **themselves to the dominion of a government for the promotion of their general welfare and the protection of**  
23 **their individual as well as collective rights.** Herriott v. City of Seattle, 81 Wash.2d. 48, 500 P.2d. 101, 109.

24 The term may include or apply to children of alien parents from in United States, Von Schwerdtner v. Piper,  
25 D.C.Md., 23 F.2d. 862, 863; U.S. v. Minoru Yasui, D.C.Or., 48 F.Supp. 40, 54; children of American citizens  
26 born outside United States, Haaland v. Attorney General of United States, D.C.Md., 42 F.Supp. 13, 22; Indians,  
27 United States v. Hester, C.C.A.Okla., 137 F.2d. 145, 147; National Banks, American Surety Co. v. Bank of  
28 California, C.C.A.Or., 133 F.2d. 160, 162; nonresident who has qualified as administratrix of estate of deceased  
29 resident, Hunt v. Noll, C.C.A.Tenn., 112 F.2d. 288, 289. However, neither the United States nor a state is a  
30 citizen for purposes of diversity jurisdiction. Jizemerjian v. Dept of Air Force, 457 F.Supp. 820. On the other  
31 hand, municipalities and other local governments are deemed to be citizens. Rieser v. District of Columbia, 563  
32 F.2d. 462. A corporation is not a citizen for purposes of privileges and immunities clause of the Fourteenth  
33 Amendment. D.D.B. Realty Corp. v. Merrill, 232 F.Supp. 629, 637.

34 Under diversity statute [[28 U.S.C. §1332](#)], which mirrors [U.S. Const. Article III](#)'s diversity clause, a person is a  
35 "citizen of a state" if he or she is a citizen of the United States and a domiciliary of a state of the United States.  
36 Gibbons v. Udaras na Gaeltachta, D.C.N.Y., 549 F.Supp. 1094, 1116.  
37 [Black's Law Dictionary, Sixth Edition, p. 244]

38 YOUR ANSWER:\_\_\_\_\_

39 74. Admit that it is a violation of Constitutional rights and the Unconstitutional Conditions Doctrine of the U.S. Supreme  
40 Court to use any franchise, privilege, or "benefit" (INCLUDING driver licensing, Social Security, marriage licenses,  
41 attorney licenses) as a means to COMPEL or coerce anyone to become a STATUTORY "citizen".

42 "It has long been established that a State may not impose a penalty upon those who exercise a right guaranteed  
43 by the Constitution." Frost & Frost Trucking Co. v. Railroad Comm'n of California, 271 U.S. 583. "Constitutional  
44 rights would be of little value if they could be indirectly denied," Smith v. Allwright, 321 U.S. 649, 644, or  
45 manipulated out of existence [by converting them into statutory "privileges"/franchises], Gomillion v. Lightfoot,  
46 364 U.S. 339, 345."  
47 [Harman v. Forssenius, 380 U.S. 528 at 540, 85 S.Ct. 1177, 1185 (1965)]  
48

YOUR ANSWER: \_\_\_\_\_

## 24.2 Interrogatories

1. After this memorandum was first published starting in 2001, people began using it to apply for passports as a “state nationals” using Department of State Form DS-11. This included the authors. In 2006, the Department of State changed the DS-11 form to recognize the existence of “non-citizen nationals”! They changed the perjury statement to add a reference to “non-citizen national”. To wit:

*“I declare under penalty of perjury that I am a United States citizen (**or non-citizen national**) and have not, since acquiring United States citizenship (**or U.S. nationality**), performed any of the acts listed under “Acts or Conditions” on this application form (unless explanatory statement is attached). I declare under penalty of perjury that the statements made on this application are true and correct.”*

[Department of State Form DS-11;

SOURCE: <http://famguardian.org/TaxFreedom/Forms/Emancipation/DS-0011.pdf>]

Those who are “state nationals” can now simply check “NO” in answer to whether their parents are “U.S. citizens” in Block 21 and sign the form and MUST be presumed to be a state nationals by the recipient of the form. This corroborating behavior of the government raises the following questions:

- 1.1. Why would the Department of State Form DS-11 change their passport application form to accommodate the research in this pamphlet if we are wrong?
- 1.2. Why does the Department of State continue to approve passport applications that indicate that the application is a “non-citizen national”, including the DS-11 application of the author?

2. “Expatriation” is defined in *Perkins v. Elg*, 307 U.S. 325 (1939) as:

*“Expatriation is the voluntary renunciation or abandonment of nationality and allegiance.”*

[*Perkins v. Elg*, [307 U.S. 325](#), 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]

How can you abandon your nationality as a “national” or “state national” with the Secretary of the State of the United States\*\* under 8 U.S.C. §1481 if you didn’t have it to begin with?

3. Naturalization is defined in 8 U.S.C. §1101(a)(23) as:

[TITLE 8 > CHAPTER 12 > SUBCHAPTER I > Sec. 1101.](#)

[Sec. 1101. - Definitions](#)

*(a)(23) The term “naturalization” means the conferring of **nationality** [NOT “citizenship” or “U.S. citizenship”, but “nationality”, which means “**national**”] of a state upon a person after birth, by any means whatsoever. ”*

How can you say a person isn’t a “national” after they were naturalized, and if they are, what type of “national” do they become? As a “national” born outside of exclusive federal legislative jurisdiction and the “United States\*\*”, do they meet the requirements of [8 U.S.C. §1452](#) and if not, why not?

4. The Supreme Court declared that the term “United States\*\*\*” used in the Constitution is not a “nation”, but a “society” in *Chisholm v. Georgia*:

*“By that law **the several States and Governments spread over our globe, are considered as forming a society, not a NATION**. It has only been by a very few comprehensive minds, such as those of Elizabeth and the Fourth Henry, that this last great idea has been even contemplated. 3rdly. and chiefly, I shall examine the important question before us, by the Constitution of the United States[\*\*\*], and the legitimate result of that valuable instrument. ”*

[*Chisholm v. Georgia*, [2 Dall. \(U.S.\) 419](#), 1 L.Ed. 440 (1794)]

What exactly does it mean to be a “national of the United States\*\*\*” within the meaning of the Constitution and not federal law?

5. The early U.S. Congress in 1796 enacted a law found in the Statutes At Large at 1 Stat. 477 in which they referred to people born within states of the Union simultaneously as both “American citizens” and “citizens of the United States of America”. This was shortly after the Constitution had been ratified that created the “United States”. They deliberately didn’t use the phrase “citizens of the United States” that describes a statutory citizen found in [8 U.S.C. §1401](#). See:

1 Stat. 477, SEDM Exhibit #01.004  
<http://sedm.org/Exhibits/ExhibitIndex.htm>

This is the same “United States of America” used in the Articles of Confederation that have never been repealed and which the U.S. Supreme Court referred to as the collective states of the Union rather than the federal government created by the Constitution.

*As a result of the separation from Great Britain by the colonies, acting as a unit, the powers of external sovereignty passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity as the United States of America. Even before the Declaration, the colonies were a unit in foreign affairs, acting through a common agency-namely, the Continental Congress, composed of delegates from the thirteen colonies. That agency exercised the powers of war and peace, raised an army, created a navy, and finally adopted the Declaration of Independence. Rulers come and go; governments end and forms of government change; but sovereignty survives. A political society cannot endure [299 U.S. 304, 317] without a supreme will somewhere. Sovereignty is never held in suspense. When, therefore, the external sovereignty of Great Britain in respect of the colonies ceased, it immediately passed to the Union. See Penhallow v. Doane, 3 Dall. 54, 80, 81, Fed.Cas. No. 10925. That fact was given practical application almost at once. The treaty of peace, made on September 3, 1783, was concluded between his Britannic Majesty and the 'United States of America.' 8 Stat., European Treaties, 80.*

*The Union existed before the Constitution, which was ordained and established among other things to form 'a more perfect Union.' Prior to that event, it is clear that the Union, declared by the Articles of Confederation to be 'perpetual,' was the sole possessor of external sovereignty, and in the Union it remained without change save in so far as the Constitution in express terms qualified its exercise. The Framers' Convention was called and exerted its powers upon the irrefutable postulate that though the states were several their people in respect of foreign affairs were one. Compare The Chinese Exclusion Case, [130 U.S. 581, 604](#), 606 S., 9 S.Ct. 623. In that convention, the entire absence of state power to deal with those affairs was thus forcefully stated by Rufus King:  
[United States v. Curtiss-Wright Export Corporation, 299 U.S. 304 (1936)]*

Why can’t I lawfully be the “citizen of the United States of America” described in this enactment and would this be a constitutional citizen or a statutory citizen? If I can’t, when was this type of citizenship outlawed?

6. If a "national" is defined in [8 U.S.C. §1101\(a\)\(21\)](#) simply as a person who owes "allegiance", then why can't a person who is domiciled in a state of the Union have allegiance to the confederation of states called the "United States\*\*\*", which the U.S. Supreme Court said above was a "society" and not a "nation". And what would you call that “society”, if it wasn't a “nation”? We call that society a “federation” which is served by a “federal government”. The Supreme Court said in *Hooven and Allison v. Evatt* that there are three definitions of the term "United States" and one of those definitions includes the following, which is what I claim to be a “national” of:

*"It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations."  
[Hooven & Allison Co. v. Evatt, [324 U.S. 652](#) (1945)]*

7. How come I can't have allegiance to the “society” or “federation” called "United States\*\*\* of America" and define that “society” as being the collective states of the Union, and exclude from that definition the municipal government of the “United States\*\*\*” in the District of Columbia? My allegiance is to the MASTER, which is the Sovereign People as individuals domiciled within the states of the Union who are collectively called the “United States\*\*\* of America”, rather than their SERVANT, who is the municipal government of the District of Columbia called the “United States\*\*\*”. By having this kind of allegiance to the people instead of their public servants, I am fulfilling the second great commandment found in the Bible to love and protect my neighbor, aren’t I?

7.1. Why would God want me as a Christian to have allegiance to a WORTHLESS thing called a government or its agents, rather than to my fellow Sovereign Neighbor?

*"Behold, the nations [and governments and politicians of the nations] are as a drop in the bucket, and are counted as the small dust on the scales."  
[Isaiah 40:15, Bible, NKJV]*

1 "All nations [and governments] before Him [God] are as nothing, and they are counted by Him less than  
2 nothing and worthless."  
3 [Isaiah 40:17, Bible, NKJV]

4 "He [God] brings the princes [and Presidents] to nothing; He makes the judges of the earth useless."  
5 [Isaiah 40:23, Bible, NKJV]

6 "Indeed they [the governments and the men who make them up in relation to God] are all worthless; their  
7 works are nothing; their molded images [and their bureaus and agencies and usurious "codes" that are not law]  
8 are wind [and vanity] and confusion."  
9 [Isaiah 41:29, Bible, NKJV]

10 "Arise, O Lord,  
11 Do not let man [or governments made up of men] prevail;  
12 Let the nations be judged [and disciplined] in Your sight.  
13 Put them in fear [with your wrath and the timeless principles of your perfect and Glorious Law], O Lord,  
14 That the nations may know themselves to be but men."  
15 [Psalm 9:19-20, Bible, NKJV]

16 7.2. The SERVANT, which is the municipal government of the District of Columbia and the public SERVANTS who  
17 make it up, cannot be greater than the MASTER, who is the Sovereign People it was created to SERVE in the states  
18 of the Union . Any other kind of allegiance is treason to the Constitution and idolatry towards political rulers, isn't  
19 it?

20 7.3. Isn't idolatry towards political rulers inconsistent with the Christian faith, which requires our EXCLUSIVE  
21 allegiance to God?

22 "Away with you , Satan! For it is written, 'You shall worship the Lord your God, and Him ONLY [NOT the  
23 government!] you shall serve.'"  
24 [Jesus in Matt. 4:10, Bible, NKJV]

25 7.4. Remember, the Supreme Court said in *Hooven and Allison v. Evatt*, 324 U.S. 652 (1945) that there are THREE  
26 definitions of the term "United States". The First Amendment to the United States\*\*\* Constitution guarantees me  
27 a right of free speech. Doesn't that right BEGIN, not END, with me being able to define the precise meaning of  
28 the words I use on government forms that ask about my citizenship so as to avoid leaving their meaning to  
29 presumption or conjecture or some judge or bureaucrat? Isn't it a conflict of interest in violation of 18 U.S.C. §208  
30 for a judge or bureaucrat to be advising me on the meaning of words that describe my relationship to the  
31 government, if telling the truth would reduce his retirement benefits or pay? And why would I want to trust or  
32 believe any government form or publication that addressed citizenship issues to accurately portray the truth about  
33 citizenship because of such a conflict of interest?

34 8. Why can't or won't the federal government recognize that very specific type of allegiance described in the preceding  
35 question and characterize it as that of a "national but not citizen" as Title 8 of the United States[\*\*] Code requires?  
36 Could it be that the love of money and power and jurisdiction exceeds their love for justice and respect for the rule of  
37 law in this country? The Supreme Court said the federal government MUST be willing to acknowledge this type of  
38 allegiance when it said:

39 "It is logical that, while the child remains or resides in territory of the foreign State [a state of the Union, in  
40 this case] claiming him as a national, the United States[\*\*] should respect its claim to  
41 allegiance."  
42 [Perkins v. Elg, 307 U.S. 325, 59 S.Ct. 884, 83 L.Ed. 1320 (1939)]

43 9. The federal government has exclusive legislative jurisdiction over the following issues:

44 9.1. "naturalization", under Article 1, Section 8, Clause 4 of the U.S. Constitution.

45 9.2. The citizenship status of persons born in its own territories or possessions.

46 However, the federal government has no legislative power to determine citizenship by birth of persons born inside states  
47 of the Union, because the Constitution does not confer upon them that legislative power. All the cases and authorities  
48 that detractors of our position like to cite relate ONLY to the above subject matters, which are all governed exclusively  
49 by federal law, and federal legislation does not apply within states of the Union for this subject matter under the

1 Constitution. Please therefore show us a case that involves a person born in state of the Union and not on a territory or  
2 possession in which the person claimed to be a “national” and not a “citizen” under [8 U.S.C. §1101](#)(a)(21), and show us  
3 where the court said they weren’t. You absolutely won’t find such a case, because it is not only an impossibility, but an  
4 absurdity!

5 **Affirmation:**

6 I declare under penalty of perjury as required under [26 U.S.C. §6065](#) that the answers provided by me to the foregoing  
7 questions are true, correct, and complete to the best of my knowledge and ability, so help me God. I also declare that these  
8 answers are completely consistent with each other and with my understanding of the Constitution of the United States, Internal  
9 Revenue Code, Treasury Regulations, the Internal Revenue Manual (I.R.M.), and the rulings of the U.S. Supreme Court but  
10 not necessarily lower federal courts.

11 Name (print): \_\_\_\_\_

12 Signature: \_\_\_\_\_

13 Date: \_\_\_\_\_

14 Witness name (print): \_\_\_\_\_

15 Witness Signature: \_\_\_\_\_

16 Witness Date: \_\_\_\_\_



1 **APPENDIX A: CITIZENSHIP DIAGRAMS**

2 The following pages present simplified diagrams of citizenship, nationality, and domicile and how they relate to each other.  
3 They are useful as a learning tool for those who prefer to learn visually rather than using text.

4 You can find a downloadable version of this appendix at:

*Citizenship Diagrams*, Form #10.010  
<https://sedm.org/Forms/FormIndex.htm>

5

# **1 Citizenship, Nationality, and Tax Status Diagrams**

The following diagrams are provided to more clearly illustrate the difference between citizenship in terms of nationality and citizenship in terms of domicile, and how not knowing the difference greatly affects your legal standing with regard to the Federal government and the Internal Revenue Service.

What people colloquially regard as 'citizenship' is statutorily regarded as nationality – membership in a nation. However, in law, the term 'citizenship' can and is frequently used to connote 'domicile' – a term used to reflect the intended final or permanent residence of a person within or without the boundaries of a given territory of a nation – domicile is a political choice such as religious or political party affiliation.

Because the term 'citizenship' is so broadly used colloquially with regard to one's nationality, a misapplication of law can, and frequently does occur when 'citizenship' is used to connote domicile within the boundaries of the United States of America. This misunderstanding is not a problem when regarding citizens under the jurisdiction of a national government, as their political status as well as their civil status is for all practical purposes one-in-the-same. However, in a federal government such as that of the "*United States*," there are two major territorial subdivisions within the nation, each of which is regarded separately under Organic Law, and consequently under federal statutes. The confusion is exacerbated by the fact that each of the major territorial subdivisions of the nation is referred to as the "*United States*," and each falls within the nation known as the United States of America – colloquially called the "*United States*."

The root of the potential confusion is quite easily understood. The nation is called the "*United States*," and each of its two major territorial subdivisions is called the "*United States*." Citizenship in terms of membership in the nation called the "*United States*" is obtained through the "citizenship clause" of the Fourteenth Amendment, and statutorily regarded as nationality – this commutes one's political status. Citizenship in terms of domicile within or without the boundaries of one of the major territorial subdivisions of the nation commutes one's civil statutory status. Context, whether it is nationality or domicile, as well as which "*United States*" is to be regarded for the purposes of establishing each respectively is of paramount importance, as this establishes both political status and civil status. Nationality and domicile must not be conjoined as being one-in-the-same, but regarded separately under federal law if one does not wish to surrender critical rights and legal status.

The practical effect of all of this obfuscation is the creation of a system by the United States government which allows for the total usurpation of constitutional protections through 'voluntary compliance' mechanisms in the form of a private franchise contract nexus with the government. In the course of such a contract, an American National will declare a federal domicile, and thus be subject to the exclusive jurisdiction of Congress and no longer protected by the Bill of Rights and other provisions in the Constitution which are designed to protect Americans in the 50 States. The most important being the levy of an unapportioned direct tax on the property of Americans, which is still restricted in the 50 States, unrestricted gun ownership and carriage, and the regulation of statutory "civil rights" versus 'unalienable rights' which exist naturally in the 50 States per the organic law and are not statutory privileges created or granted by Congress. Additionally, the addictive and destructive nature of the social welfare state serves to only make the 'beneficiaries' more dependent on their once servant government. It does not "promote the general welfare," but rather provides the general welfare, and in the long run serves to destroy the liberty and private property rights of the citizenry. This is by design and the system benefits those who designed it.

Please be certain – the methods of the United States government are constitutional and therefore lawful, but only when limited to those domiciled, physically present within, or doing business on federal territory or with the U.S. government. The minute that statutory franchises or privileges are extended to the Constitutional states in places other than federal enclaves is when the Constitution is violated and an Article 4, Section 4 unconstitutional "invasion" has occurred, and the License Tax cases prohibition against franchises within the states are violated. This includes the most recently passed healthcare law. The healthcare law is constitutional if it is only offered or enforced within federal territory or with federal public officers. The national government CANNOT offer such "benefits" within constitutional states or make a profitable franchise out of alienating rights that the Declaration of Independence says are Unalienable, even WITH your consent. If a state national volunteers away his or her statutorily foreign "*non-resident non-person*" tax status by misrepresenting their status as a statutory "*U.S. Citizen*" during a Social Security Number application, subsequent submission of a W-4 in the private-sector, and subsequent Form 1040 tax filing, the mandates of the socialized healthcare law might

APPEAR mandatory but in fact result in unconstitutional extraterritorial enforcement of franchises that are limited to federal territory. Most unlawfully and unconstitutionally volunteered for socialized medicine available only on federal territory when they were born by illegally obtaining an SSN – they just didn't know it because they don't understand the system.<sup>1</sup>

An instructive case on this subject is the following case:

*The Cherokee Nation v. the State of Georgia*, 30 U.S. 1 (1831)  
[https://scholar.google.com/scholar\\_case?case=6481524100903611909](https://scholar.google.com/scholar_case?case=6481524100903611909)

It addresses an important topic upon which we should be very interested. The several States are not "foreign states" under the constitution or federal law. That's because the principal sense of a state is its political sense (see *Texas v. White*, 74 U.S. 700 (1869)). But the jurisdictions (geographical sense) are foreign to each other. This is a distinction that escapes most people and is critical to avoiding general statements which can be rendered frivolous when regarded in the wrong sense. This is also why the IRC says "when used in a geographical sense." If someone arguing doesn't understand when to shift from one sense to the other, he will assert an errant position without knowing why.

The greatest evidence of this in the tax code can be found at 26 U.S.C. §2209. The paragraph appears to contradict itself. But it doesn't. It uses seemingly identical words that in reality are presented in two different contexts--geographical sense and political sense. That proves our position that tax status for citizens of the several States (and territories) has zero to do with national (political) citizenship-- but that it is based upon civil (geographical) citizenship imputed through domicile election (United States tax domicile [domestic] v. Texas tax domicile [legislatively foreign v. D.C.], for example).

The legislative scheme is intended to confuse the people into either:

1. Denying U.S. citizenship in its political sense (clearly frivolous except for American Samoans and certain elections made by those from the CNMI); or
2. Affirming oneself to be a "citizen (domiciliary) of the United States (geographical sense) while ASS-uming political citizenship was the proffered context when it's not.

The latter constitutes a waiver of the "nonresident alien" status (a status commensurate with a domicile in one of the 50 States). But there are exceptions to be aware of for certain American nationals. An American Samoan cannot enjoy the privileges and immunities of citizens of the several States because they are not U.S. citizens in the political sense. The nonresident alien position requires absolute mastery of all aspects of citizenship (political and geographical) and nationality in order to avoid frivolous arguments.

The same principal applies to the situs of property. It begins as a "foreign estate." It becomes a "United States property interest" through waiver.

It's imperative that one does NOT assert what he is NOT--rather, assert what he is and have them prove otherwise.

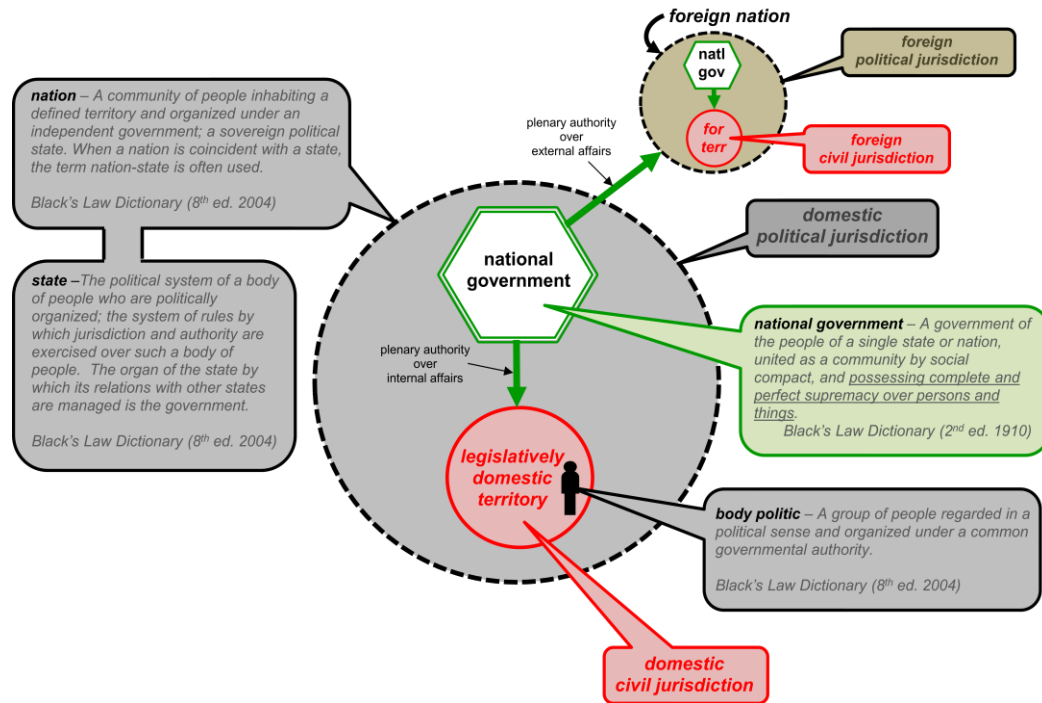
It's absolutely brilliant!

Take heart America – there is a remedy! Proper understanding is the first step to reversing the damage. You have to understand where you have been deceived before you can obtain your remedy.

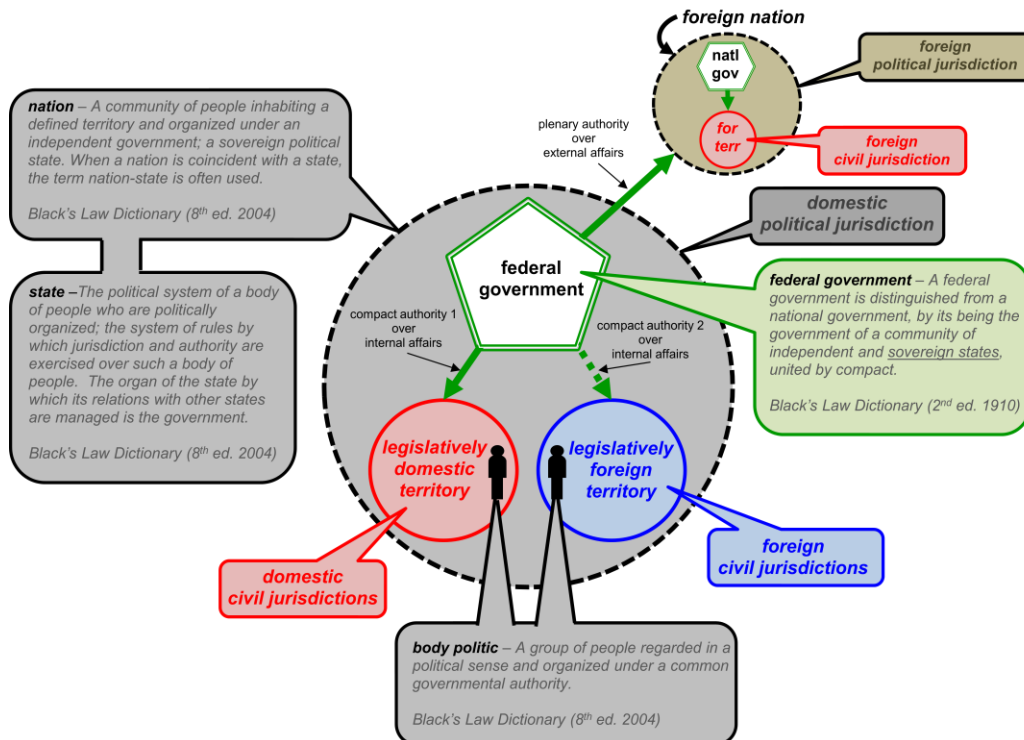
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<sup>1</sup> See *Why You Aren't Eligible for Social Security*, Form #06.001, and *Resignation of Compelled Social Security Trustee*, Form #06.002, for proof that participation by state nationals is ILLEGAL and even CRIMINAL;  
<https://sedm.org/Forms/FormIndex.htm>

## 2 Typical Foreign Nation – National Government



## 3 The American Nation – Federal Government

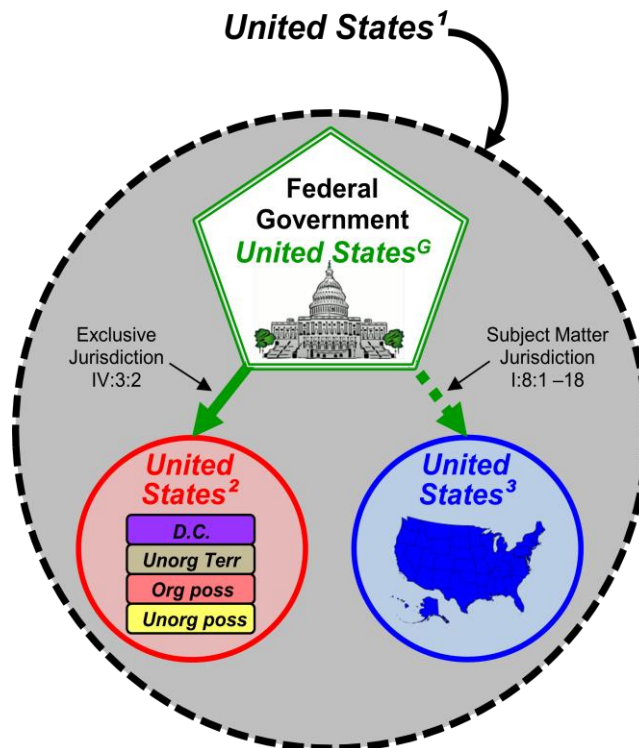


## 4 The Several Meanings of the Term “United States”

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

From the above Supreme Court ruling, one can see the term “United States” has several meanings, which have been designated (1), (2), (3) and (G). The term “United States” can mean (1) the Nation, (2) the Federal territories over which the Federal Government’s sovereignty extends, and (3) the 50 Union states united by and under the Constitution. The term “United States” can also mean (G), the Federal government itself. These meanings are annotated as follows:

**United States<sup>1</sup>** – The United States of America – the Nation (political sense)  
**United States<sup>2</sup>** – D.C., Federal Territory and possessions – (geographical sense)  
**United States<sup>3</sup>** – The 50 Union states – (geographical sense)  
**United States<sup>G</sup>** – The Federal government – (corporate sense)



The Nation referred to as the **United States<sup>1</sup>** is a political entity comprised of the people (national body-politic), their government, and territory. The territory of the **United States<sup>1</sup>** is divided into two major subdivisions – the **United States<sup>2</sup>** and the **United States<sup>3</sup>**. The **United States<sup>2</sup>** comprises the District of Columbia, Federal Territory and possessions. The **United States<sup>3</sup>** comprises the 50 sovereign Union states. The Federal Government – **United States<sup>G</sup>** – exercises exclusive, territorial jurisdiction over the **United States<sup>2</sup>** pursuant to art. IV, §3, cl. 2 of the Constitution, and specified and enumerated subject matter jurisdiction in the **United States<sup>3</sup>** pursuant to art. I, §8, cls. 1 – 18. This aspect of the *Separation of Powers Doctrine* was created by design in order to secure the freedoms of Americans.



## 5 United States<sup>2</sup>, a Closer Look

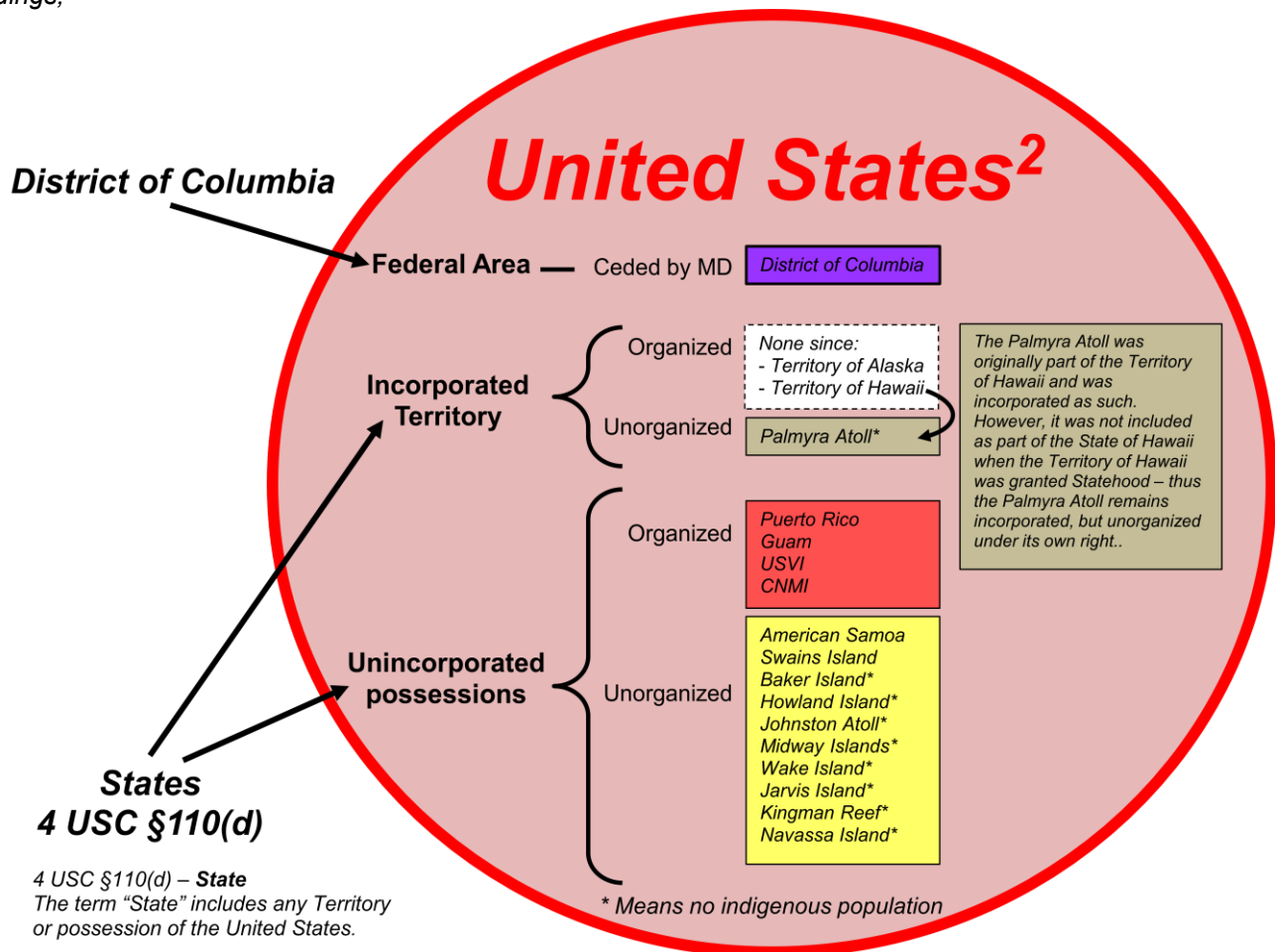
The following diagram illustrates a closer look at the territorial subdivision of the United States of America – **United States<sup>1</sup>**, where an “Act of Congress” is locally applicable – **United States<sup>2</sup>**. The authority for the governance of this territorial subdivision is granted to the Federal government under art. IV, §3, cl.2 and art. I, §8, cl. 17 of the United States Constitution.

### Article IV, Section 3, Clause 2

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

### Article I, Section 8, Clause 17

*“To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;”*



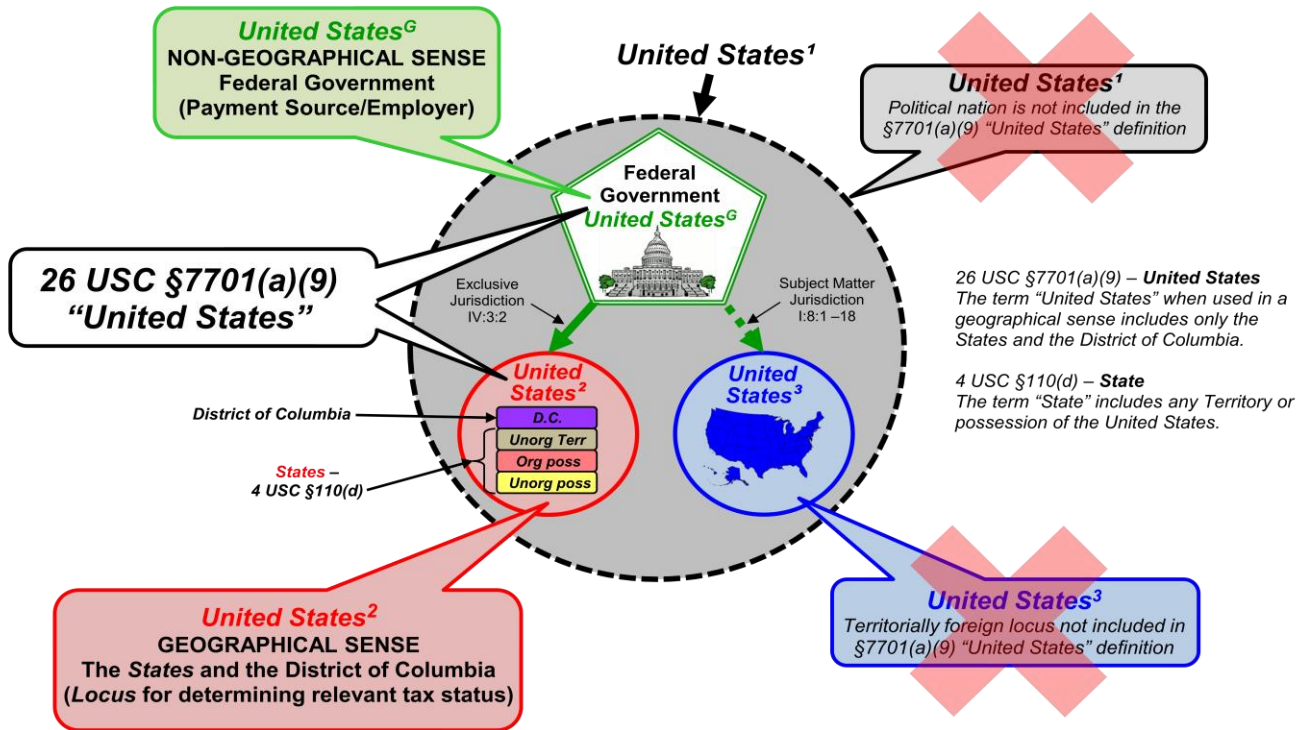
**Incorporated Territory** = Full constitutional provisions extended to the Federal possession/territory.

**Unincorporated possession** = Full constitutional provisions **not** extended to the Federal possession/territory.

**Organized** = Organized under an Organic “Act of Congress.”

**Unorganized** = **Not** organized under an Organic “Act of Congress.”

## 6 The “United States” of 26 USC §7701(a)(9)

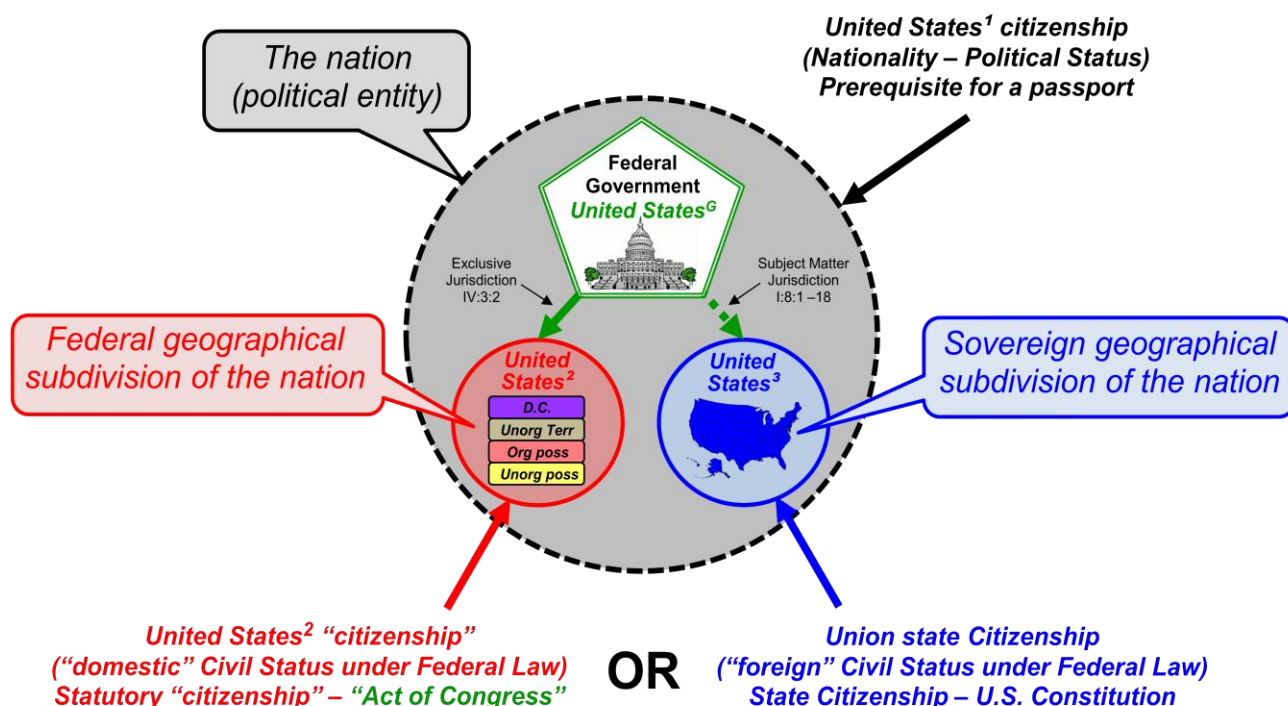


**“In the constitution and laws of the United States the word ‘citizen’ is generally, if not always, used in a political sense, to designate one who has the rights and privileges of a citizen of a state or of the United States.** It is so used in section 1 of article 14 of the amendments of the constitution, which provides that ‘all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside,’ and that ‘no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.’ But it is also sometimes used in popular [legal] language to indicate the same thing as resident, inhabitant, or person.”  
[Baldwin v. Franks, 120 U.S. 678 (1887)]

**domicile.** A person's legal home. That place where a man has his true, fixed, and permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. *Smith v. Smith*, 206 Pa.Super. 310m 213 A.2d 94. Generally, physical presence within a state and the intention to make it one's home are the requisites of establishing a "domicile" therein. The permanent residence of a person or the place to which he intends to return even though he may actually reside elsewhere. A person may have more than one residence but only one domicile. **The legal domicile of a person is important since it, rather than the actual residence, often controls the jurisdiction of the taxing authorities and determines where a person may exercise the privilege of voting and other legal rights and privileges.** The established, fixed, permanent, or ordinary dwelling place or place of residence of a person, as distinguished from his temporary and transient, though actual, place of residence. It is his legal residence, as distinguished from his temporary place of abode; or his home, as distinguished from a place to which business or pleasure may temporarily call him. See also Abode; Residence. **“Citizenship,” “habitation,” and “residence” are severally words which in particular cases may mean precisely the same as “domicile,” while in other uses may have different meanings.** “Residence” signifies living in particular locality while “domicile” means living in that locality with intent to make it a fixed and permanent home. *Schreiner v. Schreiner*, Tex.Civ.App., 502 S.W.2d 840, 843. For purpose of federal diversity jurisdiction, **“citizenship” and “domicile” are synonymous.** *Hendry v. Masonite Corp.*, C.A.Miss., 455 F.2d 955.  
[Black's Law Dictionary (6<sup>th</sup> ed. 1990)]

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

## 7 Citizenship in the Context of Nationality or Citizenship in the Context of Domicile – What is the Difference?



"There is, however, one clear exception to the statement that there is no national common law. **The interpretation of the constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law, and are to be read in the light of its history.**" 124 U.S. 478 , 8 Sup. Ct. 569.

[...]

In *Udny v. Udny* (1869) L. R. 1 H. L. Sc. 441, the point decided was one of inheritance, depending upon the question whether the domicile of the father was in England or in Scotland, he being in either alternative a British subject. Lord Chancellor Hatherley said: **'The question of naturalization and of allegiance is distinct from that of domicile.'** Page 452. Lord Westbury, in the passage relied on by the counsel for the United States, began by saying: **'The law of England, and of almost all civilized countries, ascribes to each individual at his birth two distinct legal states or conditions, - one by virtue of which he becomes the subject of some particular country, binding him by the tie of natural allegiance, and which may be called his political status; another by virtue of which he has ascribed to him the character of a citizen of some particular country, and as such is possessed of certain municipal rights, and subject to certain obligations, which latter character is the civil status or condition of the individual, and may be quite different from his political status.'** And then, while maintaining that the civil status is universally governed by the single principle of domicile (domicilium), the criterion established by international law for the purpose of determining civil status, and the basis on which 'the personal rights of the party-that is to say, the law which determines his majority or minority, his marriage, succession, testacy, or intestacy- must depend,' he yet distinctly recognized that a man's political status, his country (patria), and his 'nationality,-that is, natural allegiance,- 'may depend on different laws in different countries.' Pages 457, 460. He evidently used the word 'citizen,' not as equivalent to 'subject,' but rather to 'inhabitant'; and had no thought of impeaching the established rule that all persons born under British dominion are natural-born subjects."

[U.S. v. Wong Kim Ark, 169 U.S. 649, 18 S.Ct. 456, 42 L.Ed. 890 (1898)]

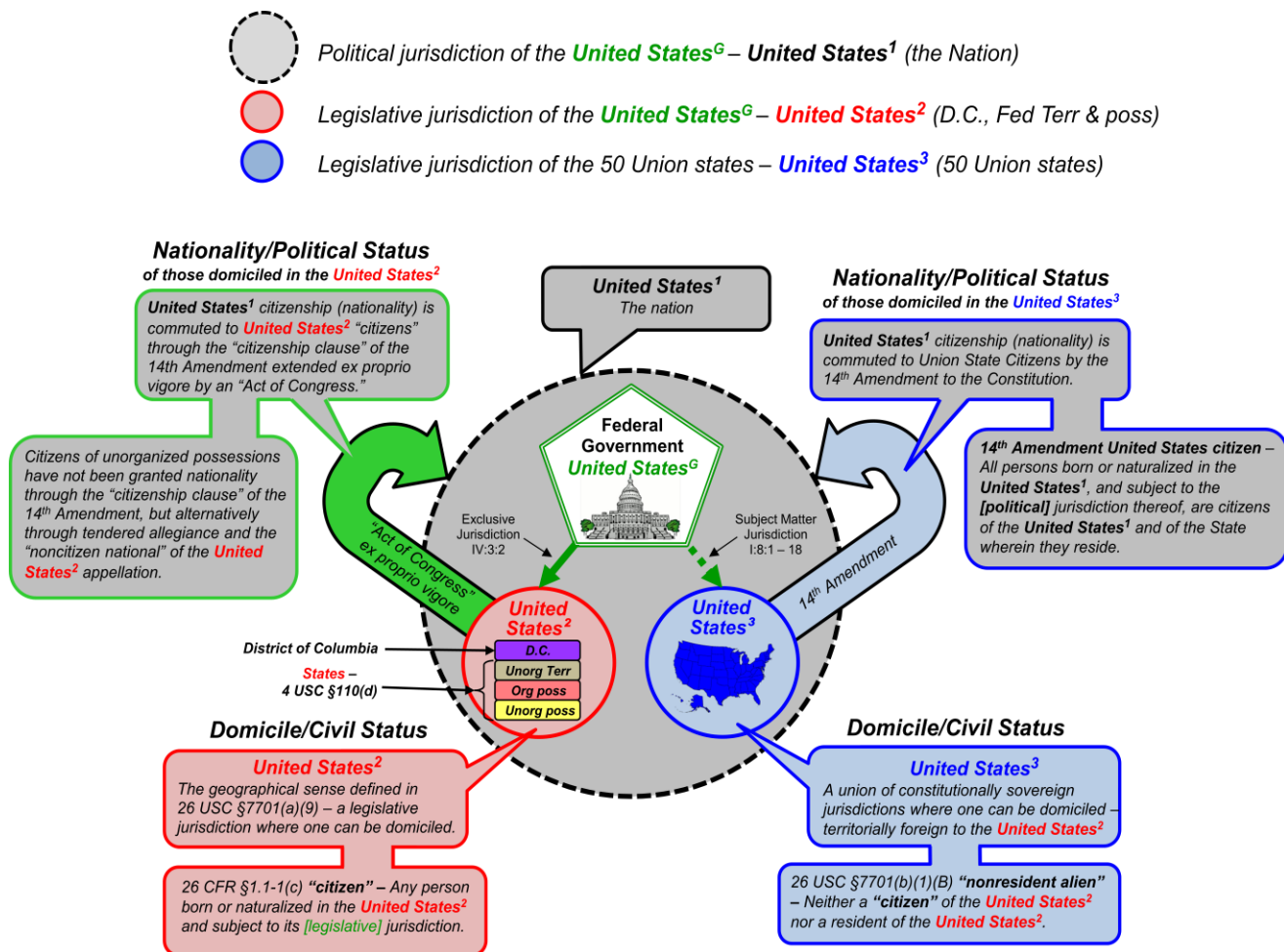
## 8 “Are you a U.S. Citizen?” – What’s Really Being Asked?

When an American National is confronted with government forms, the question, “Are you a U.S. Citizen?” is often asked. Many presumptively affirm to their great detriment that they are, while not understanding the true context of the question. The confusion is understandable. Black’s Law Dictionary is accepted as an authoritative secondary source of law and sheds light on the obfuscation.

**citizenship** – The status of being a citizen. There are four ways to acquire citizenship: by birth in the United States, by Birth in U.S. territories, by birth outside the U.S. to U.S. parents, and by naturalization. [Black’s Law Dictionary (6<sup>th</sup> ed. 1990)]

**nationality** – The relationship between a citizen of a nation and the nation itself, customarily involving allegiance by the citizen and protection by the state; membership in a nation. This term is often used synonymously with citizenship. [Black’s Law Dictionary (8<sup>th</sup> ed. 2004)]

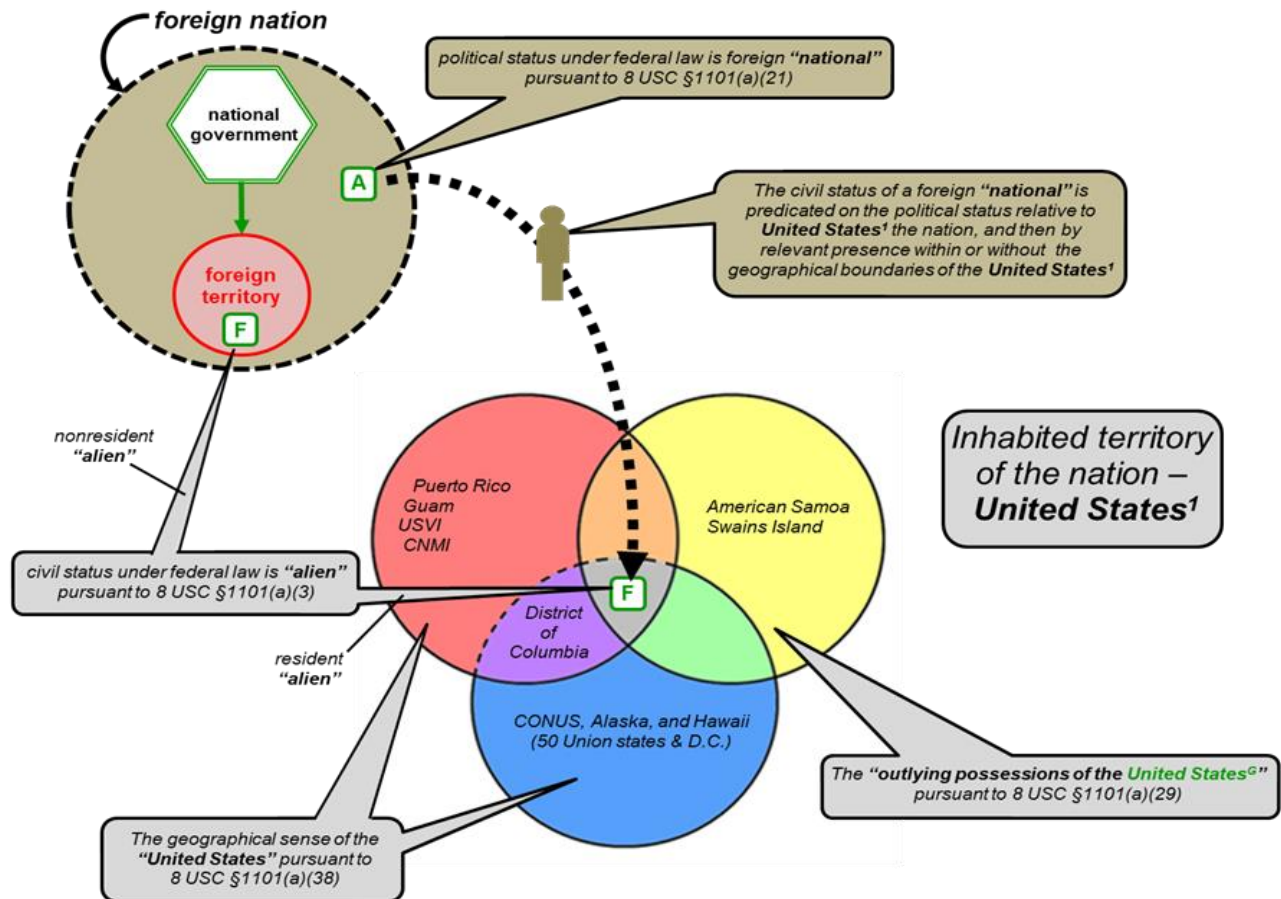
**nationality** – That quality or character which arises from the fact of a person’s belonging to a nation or state. Nationality determines the political status of the individual, especially with reference to allegiance; while domicile determines his civil status. Nationality arises either by birth or by naturalization. [Black’s Law Dictionary (6<sup>th</sup> ed. 1990)]





## 9 Classification of Foreign Nationals Under Federal Law

The statutory term “**national**” describes the political status of a member of a nation. A foreign “**national**” is regarded as a political “**alien**” to the nation of the **United States**<sup>1</sup>, but also as a statutory or legal “**alien**” relative to the territory within the **United States**<sup>1</sup>. Congress has always had legislative jurisdiction over a foreign “**national**” anywhere on American soil through Article I, Section 8, Clause 4 of the Constitution – the clause dealing with naturalization which is the conferring of nationality. See also 8 USC §1101(a)(23).



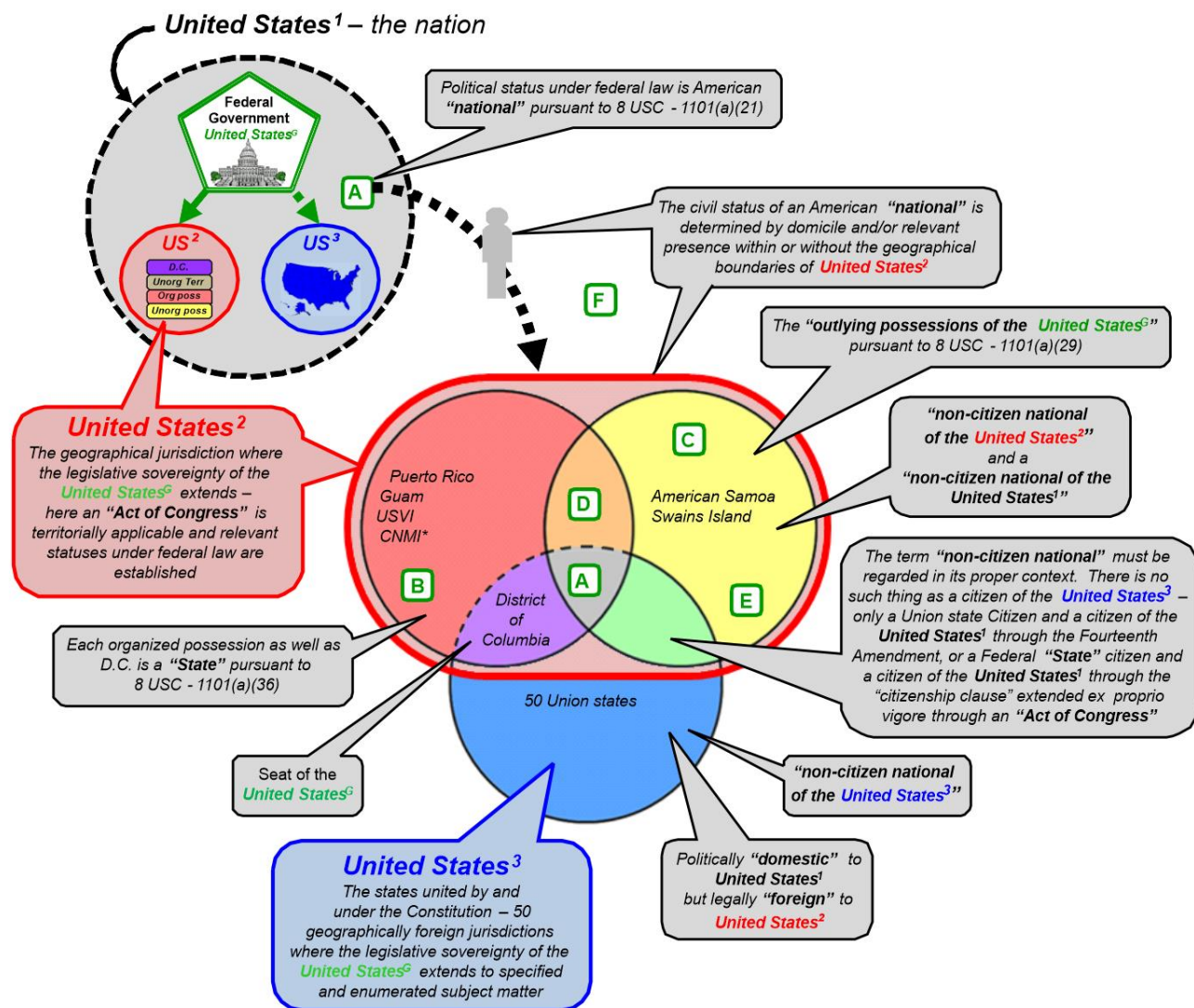
**A** 8 USC §1101(a)(21) – **national** – a person owing permanent allegiance to a state

**F** 8 USC §1101(a)(3) – **alien** – means any person **not** a citizen or national of the **United States**<sup>1</sup>



# 10 Classification of American Nationals Under Federal Law

The civil status of an American “national” is determined relative to **United States<sup>2</sup>** – the territorial division of the **United States<sup>1</sup>** where an “Act of Congress” and its promulgated statutes are territorially applicable. The statutory terms “B” through “F” describe statutory civil statuses relative to the **United States<sup>2</sup>**. A Union state Citizen maintains a civil status of non-resident non-“person” when domiciled and residing outside of the **United States<sup>2</sup>**, while a foreign national anywhere within the confines of the **United States<sup>1</sup>** is regarded as a resident “alien.” This American system of Federalism was created by design in order to protect the American People from the potential abuses of a National government.



A 8 USC §1101(a)(21) – national

B 8 USC §1401 – nationals and citizens of the **United States<sup>2</sup>**

C 8 USC §1408 – national but not citizen of the **United States<sup>2</sup>**

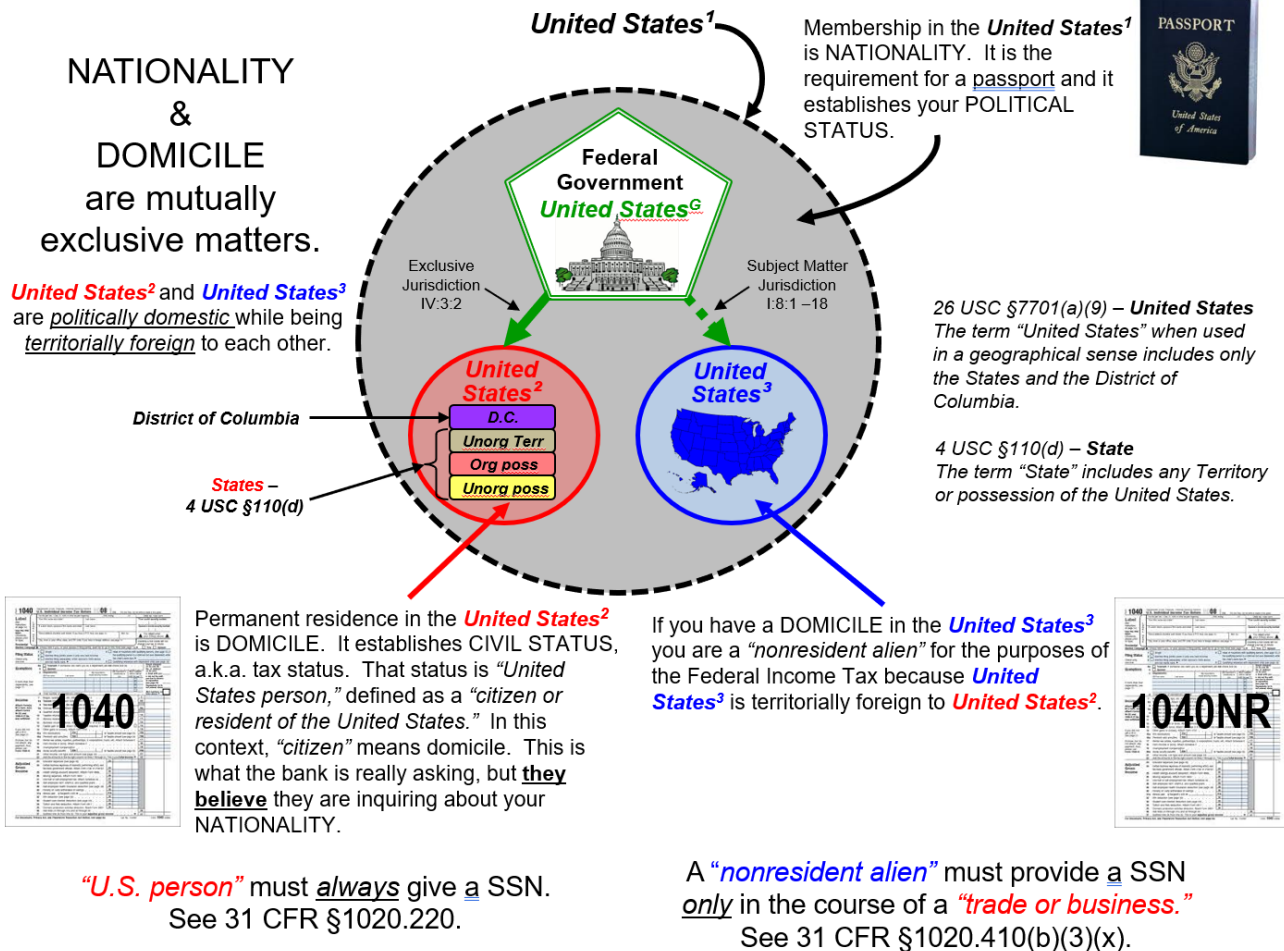
D 8 USC §1101(a)(22) – national of the **United States<sup>2</sup>**

E 8 USC §1452 – non-citizen national of the **United States<sup>2</sup>**

F 8 USC §1101(a)(3) – alien – means any person **not** a citizen [of the geographical **United States<sup>2</sup>**, because “citizen” is always geographical] or national of the **United States<sup>1</sup>** [because “national” is nongeographical and is owed to the same sovereignty in the case of both **United States<sup>1</sup>** and **United States<sup>2</sup>**]

\* – Certain inhabitants of the CNMI can make the same elections as those from American Samoa and Swains Island

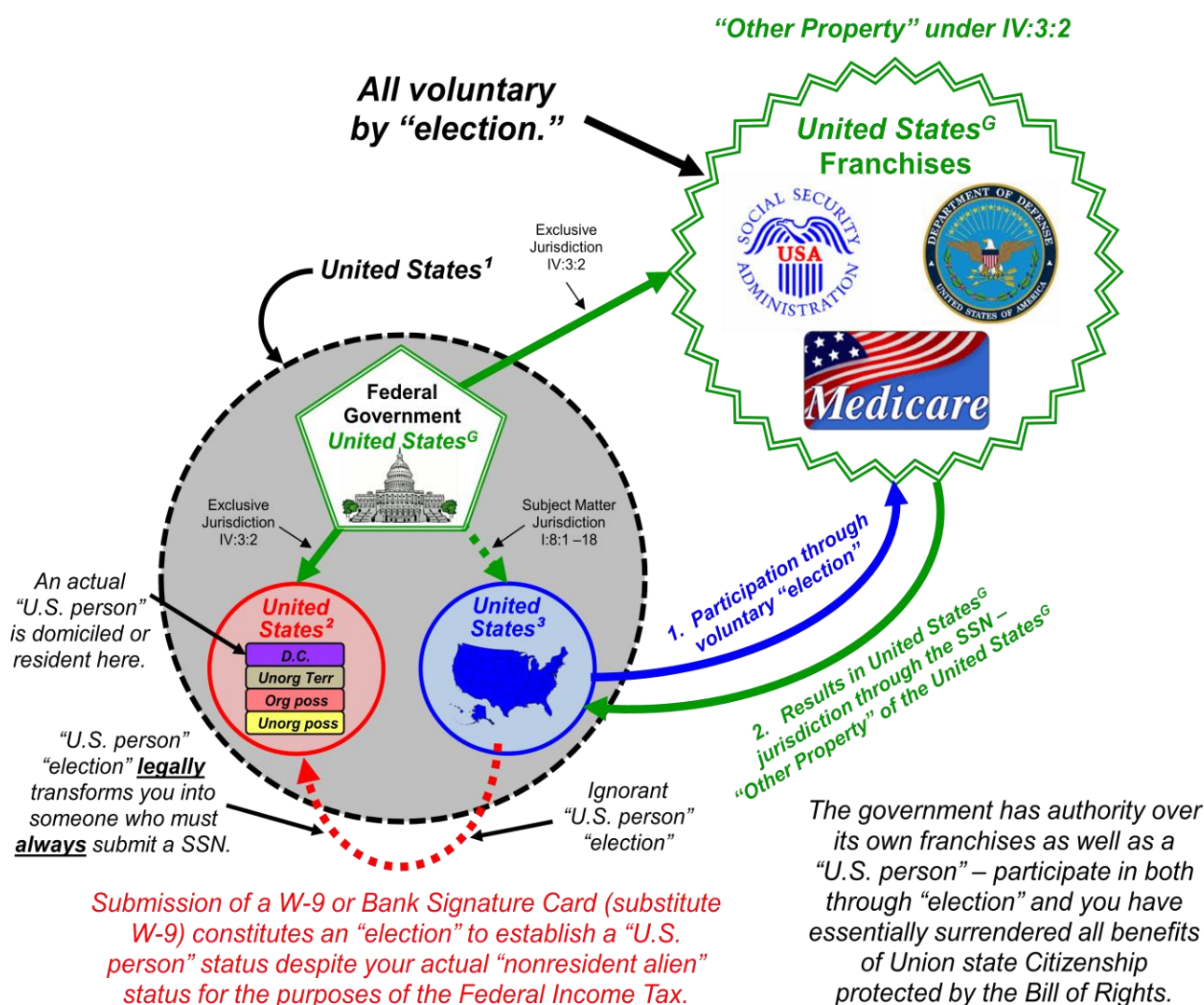
# 11 NATIONALITY & DOMICILE Are Exclusive Matters



When you go to the bank and try to claim your true and correct tax status of “non-resident non-person,” customer service reps will demand a passport. They are confusing NATIONALITY/POLITICAL STATUS with DOMICILE/CIVIL STATUS. Within a bank’s Customer Identification Program (“CIP”) in the U.S.A., the customer is already presumed to be an American National, as American banks deal primarily with American Nationals – thus, the passport inquiry can be skipped. However, a politically foreign individual, such as a foreign national, must provide his or her passport in accordance with applicable laws. There is a great deal of information solicited in a typical bank CIP. However, just because information is solicited does not mean it must be given. 31 CFR §1010.312 enumerates the requirements for identification. 31 CFR §1020.220 enumerates the requirements for completing the CIP – the requirements under each regulatory section are mutually exclusive, just like nationality and domicile. A request for identification is not the same as obtaining information for CIP purposes. Furthermore, a request for a foreign address would be satisfied with any address within the 50 Union states as well as any place outside of the country. The legislative term foreign is a term relative to the **United States<sup>2</sup>** – not the **United States<sup>1</sup>**.

## 12 How Government Obtains Jurisdiction Through “Election”

Americans constantly question how the Federal government (**United States<sup>G</sup>**) has the right or authority to do the things they do. Every American has the right to contract through their right to freely associate guaranteed by the First Amendment to the United States Constitution – this includes contracting with the **United States<sup>G</sup>** for social insurance, “employment” (not to be confused with ‘work’ in the private-sector) future medical care, educational grants, or federal loans – in short, contracts or franchises. The **United States<sup>G</sup>** is a sub-sovereignty created by the will and hand of the American People. However, when an American voluntarily subjugates him or herself to that sub-sovereignty it no longer serves as servant, but as master. A true sovereign does not require social insurance, “employment,” or any other ‘handout’ originating from their servant government. However, once those franchises are freely contracted for, no infirmity can be claimed, as the individual has voluntarily subjected him or herself freely through the power of a private contract with the **United States<sup>G</sup>**. The situation is additionally exacerbated when a Union state Citizen “elects” a federal domicile by claiming to be a “U.S. Citizen.” The “U.S. Citizen” “election” coupled with a federal franchise results in a practical total subjugation of property and rights to the **United States<sup>G</sup>**.

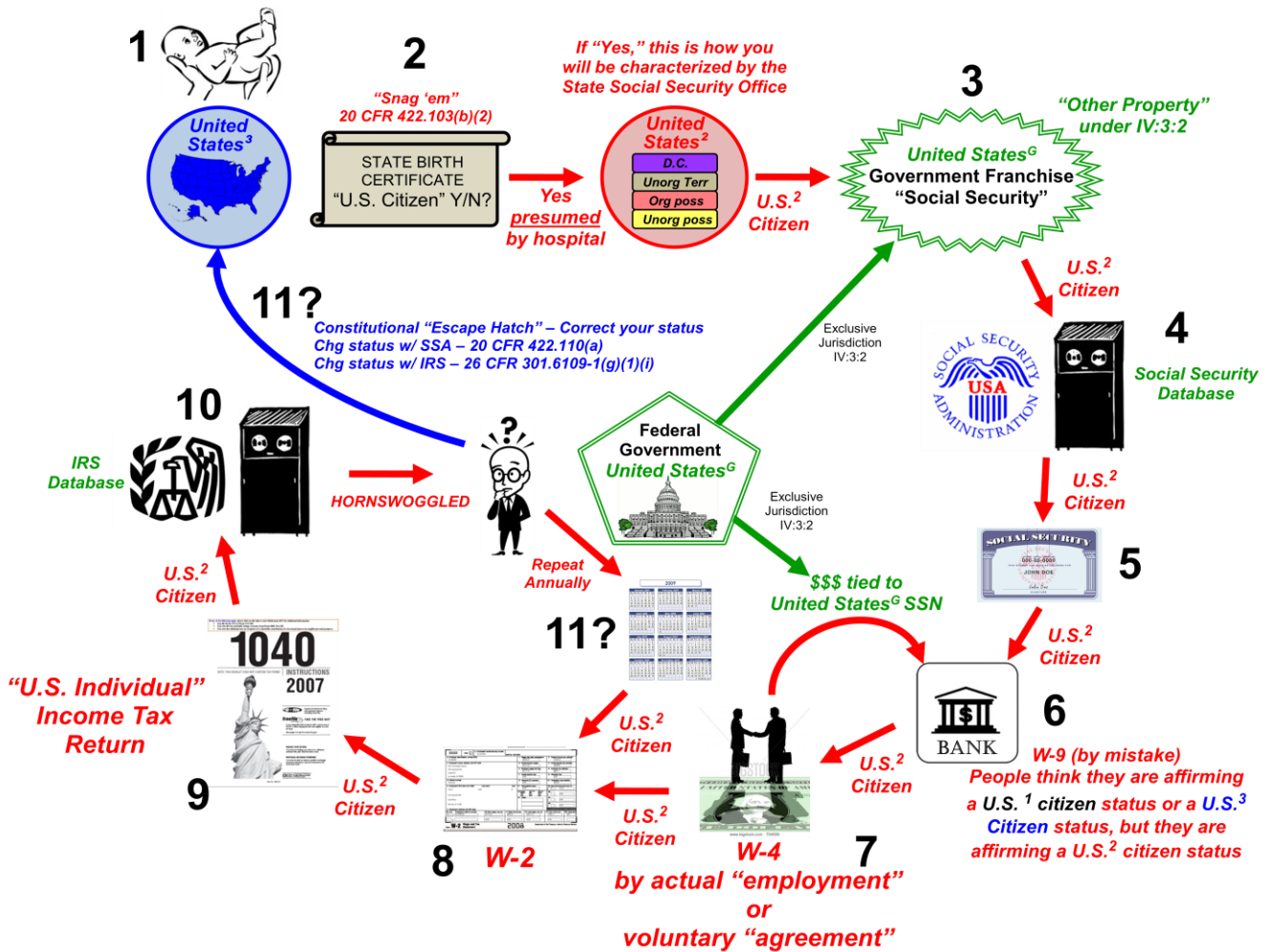




### **13 Example of How Ignorant Presumption Coupled with Participation in the Social Security Franchise Results in Your Subjugation to the Federal Government**

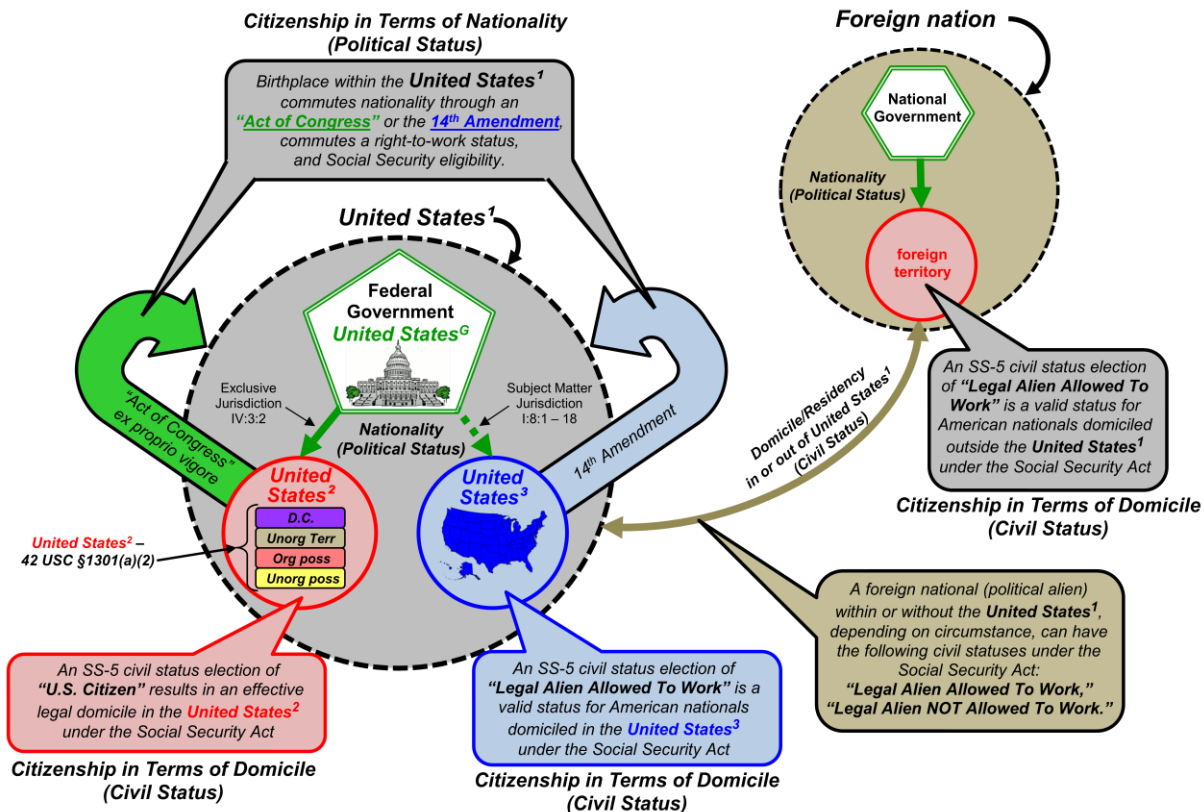
Below is an example of how Americans subjugate themselves as well as all of their property to the **United States<sup>G</sup>**. It all transpires through two voluntary but unconstitutional and unlawful mechanisms – ignorant presumption about what a ‘U.S. Citizen’ is for the purposes of the Social Security franchise, and consequently, the Federal Income Tax, and a voluntary “agreement” to apply for social insurance through the birth registration process – a 100% voluntary **United States<sup>G</sup>** franchise. Your “agreement” coupled with your ignorance about your ‘U.S. Citizenship’ indemnifies the Social Security Administration. Your ignorance about this process throughout your life results in you also making an unlawful statutory “*U.S. person*” “election” (26 U.S.C. §7701(a)(30)) in the course of banking, business, and tax filing. Your additional ignorance about the indirect excise nature of the Federal Income Tax leads you to believe that working and banking is otherwise impossible without a Social Security Number – a myth widely accepted across the nation by not only the People in general, but by those most responsible for doing the “dirty work” for the **United States<sup>G</sup>** – the “gatekeeper”: HR personnel, DMV clerks, and customer service representatives at financial institutions. The **United States<sup>G</sup>** has provided everyone with the remedy to conduct their affairs in accordance with the Constitution – as James Madison says: “*Knowledge is power.*”

**A U.S.<sup>3</sup> Citizen and U.S.<sup>1</sup> citizen –  
born a “nonresident alien”  
for the purposes of the  
Federal Income Tax**



# 14 Birthplace and Political Status / Domicile and Civil Status Within the Context of Blocks #3 and #5 of Form SS-5

When many Americans sign up for Social Security by tendering application SS-5, a great deal of confusion can and does take place. Most Americans are unaware there are two characterizations for a person under law – 1) their birthplace in a nation and their allegiance to the same, which is referred to constitutionally and colloquially as ‘citizenship,’ but is statutorily referred to as nationality – this commutes political status, and 2) their permanent residence or domicile upon a geographical location, either within or without their own nation, which is colloquially referred to as ‘residence,’ but is more accurately referred to statutorily as a “citizen” – this commutes civil status. See *U.S. v. Wong Kim Ark*, 169 U.S. 649 (1898). Many ascribe the colloquial meaning to the SS-5 block #5 elections, and wrongly presume a civil status of ‘U.S. Citizen,’ even though their physical domicile is located in one of the 50 foreign Union states. The ‘U.S. Citizen’ election transfers your legal domicile (not your physical domicile) for Social Security purposes, and consequently for the purposes of the Federal Income Tax, to the territorial subdivision of the nation where Congress exercises exclusive legislative jurisdiction, and where direct taxes can be levied without apportionment – a protection for State Citizens under the Constitution. See Article I, Section 2, Clause 3 and Article I, Section 9, Clause 4 of the United States Constitution. The transfer of your tax domicile to Federal territory is VERY ADVANTAGEOUS FOR THE GOVERNMENT!!!





## **15 State Citizen NOT a 'U.S. Citizen' for the Purposes of Social Security**

Whenever people come across government forms, the nomenclature 'U.S. Citizen' is often present, but the specific context is always undefined. This can be very confusing because the Constitution capitalizes the word 'Citizen' such as in the phrase 'State Citizen' to refer to an inhabitant of a Sovereign State. However, the lower case word 'citizen' is used to describe nationality through the Fourteenth Amendment, which is a different citizenship from State Citizenship. United States citizenship is nationality and political status – State Citizenship is inhabitancy or domicile, and thus, civil status. Then we see the nomenclature 'U.S. Citizen' on a form, but it doesn't seem consistent with its apparent statutory equivalent from which the form in question was promulgated.

Forms have legal binding effect, but 'in-house' forms and publications should not be relied upon as a basis in-and-of-themselves for making legal conclusions, but rather the code from which they came (if enacted into positive law), or the Statutes at Large if the relevant code was not enacted into positive law. We know the government is in fact a manifestation of the original sovereigns of the country (the People), but in fact has been granted a sovereign status itself for the protection of property and rights . . . and . . . to contract and be contracted with, plead and be impleaded. As the sovereign government of the country, it operates in two capacities -- as the general government for a sovereign nation, and as the legislative authority over a geographical portion of our nation where an Act of Congress is locally applic-able – namely **United States<sup>2</sup>** under Art IV, Sec 3, Cl 2 of the Constitution.

When the term 'U.S. Citizen' is seen on a form, you know the government is acting in its exclusive sovereign capacity over that 'Citizen' for the 'U.S.' in question whether it is:

1. A political entity such as the nation (**United States<sup>1</sup>**), or;
2. A geographical entity such as **United States<sup>2</sup>**

The Form SS-5 Block-5 is titled 'CITIZENSHIP,' with 'U.S. Citizen' as the first election available. We know therefore that if this option is selected, the applicant is placing itself under the sovereignty of the government for the purposes of this form and what it provides. The question in this case is, in what manner is the government operating – political or civil?

42 USC §1301(a)(1) defines the terms "State" as follows:

*(a) When used in this chapter—*

*(1) The term "State", except where otherwise provided, includes the **District of Columbia** and the **Commonwealth of Puerto Rico**, and when used in subchapters IV, V, VII, XI, XIX, and XXI of this chapter includes the **Virgin Islands** and **Guam**. Such term when used in subchapters III, IX, and XII of this chapter also includes the Virgin Islands. Such term when used in subchapter V and in part B of this subchapter of this chapter also includes **American Samoa**, the **Northern Mariana Islands**, and the **Trust Territory of the Pacific Islands**. Such term when used in subchapters XIX and XXI of this chapter also includes the Northern Mariana Islands and American Samoa. In the case of Puerto Rico, the Virgin Islands, and Guam, subchapters I, X, and XIV, and subchapter XVI of this chapter (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972) shall continue to apply, and the term "State" when used in such subchapters (but not in subchapter XVI of this chapter as in effect pursuant to such amendment after December 31, 1973) includes Puerto Rico, the Virgin Islands, and Guam. Such term when used in subchapter XX of this chapter also includes the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Such term when used in subchapter IV of this chapter also includes American Samoa.*

By the way . . . Chapter 7 is entitled: SOCIAL SECURITY, and the above definition describes **United States<sup>2</sup>**.

Then, 42 USC §1301(a)(2) defines the "United States" as follows:

*(2) The term "United States" when used in a **geographical sense** means, except where otherwise provided, the States.*

There is the clue. The "United States" at issue is a geographical **United States<sup>2</sup>**, NOT a political **United States<sup>1</sup>** such as the nation. Of course, proponents of statism and socialism will then engage in the 'includes and including' argument which is easy enough to destroy. But in this instance, it is not necessary. Look at how the term "United States" is defined in 42 USC §1301(a)(8)(C):

(C) The term "United States" **means** (but only for purposes of subparagraphs (A) and (B) of this paragraph) the **fifty States** and the District of Columbia.

Of course 'means' means they are trying to make it very clear for their purposes, whereas 'includes' means they are trying to lead you astray presumptively. Pretty weak if you ask me, but it seems to have led the sheep to the slaughter quite nicely, so I guess it worked.

Now if you examine the subparagraphs (A) and (B) of paragraph (8), you see why the additional "United States" definition in (C):

(8)

(A) The "Federal percentage" for any State (other than Puerto Rico, the Virgin Islands, and Guam) shall be 100 per centum less the State percentage; and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the square of the per capita income of such State bears to the square of the per capita income of the **United States**; except that the Federal percentage shall in no case be less than 50 per centum or more than 65 per centum.

(B) The Federal percentage for each State (other than Puerto Rico, the Virgin Islands, and Guam) shall be promulgated by the Secretary between October 1 and November 30 of each year, on the basis of the average per capita income of each State and of the **United States** for the three most recent calendar years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the four quarters in the period beginning October 1 next succeeding such promulgation: Provided, That the Secretary shall promulgate such percentages as soon as possible after August 28, 1958, which promulgation shall be conclusive for each of the eleven quarters in the period beginning October 1, 1958, and ending with the close of June 30, 1961.

They had to figure out a way to appropriate money off ILLEGALLY and UNCONSTITUTIONALLY of the backs of the people of the 50 States (**United States**<sup>3</sup>) to the others that are domiciled in a STATUTORY "State" pursuant to 42 USC §1301(a)(1). If, the term "State" of 42 USC §1301(a)(1) could be presumptively but illegally enlarged to ALSO include Texas, California, New York, or Florida for example, there would have been no reason for the definition of "United States" in 42 USC §1301(a)(8)(C). But, we see by this very definition, that the fifty States are added for the purposes of calculating a per capita income, thus, they (the fifty States) are added for the purposes of 42 USC §1301(a)(8)(C) and they are therefore NOT ALSO included in the 42 USC §1301(a)(1) definition of "State." Thus, the fifty States are NOT within the meaning of "United States" defined in a geographical sense in 42 USC §1301(a)(2). Furthermore, the government can refer to the fifty States with a capital "S" because in this case, doing so does not usurp the sovereignty of the 50 States in this particular application -- it's merely a definition. If it did, they would have had to refer to them as the 50 states (lower-case "s").

We can confidently conclude that the geographical "United States" of 42 USC §1301(a)(2) is in fact **United States**<sup>2</sup>, and the 'U.S. Citizen' relative to this geographical entity would be someone domiciled there and subject to the legislative sovereignty of the Federal government in this region. If you are not domiciled in the geographical **United States**<sup>2</sup> of 42 USC §1301(a)(2), but you are a member of the national body-politic within **United States**<sup>1</sup>, then you are a 'Legal Alien Allowed To Work' on Form SS-5 whereby an A-Number, I-766, or other federally mandated evidence of a right-to-work status is NOT required as in the case of a foreign national. See Form I-9 -- it indicates a U.S. Passport as the primary evidence of a right-to-work status. As an American National domiciled in one of the fifty States, your "alien" status is secured by the First Amendment and falls 100% outside of the purview of Congress, and thus, the Social Security Administration. An A-Number or I-766 is not required for you and the Social Security Number Application Program (SSNAP) should be able to process your 'Legal Alien Allowed To Work' status by skipping the date field queries requested, which are otherwise for a foreign national. This is no different than skipping the "Passport #" and "country of issuance" queries at the bank when opening a "non-resident non-person" bank account -- it simply does not apply to you because you are an American National and not a foreign national. But it does cause a lot of cognitive dissonance at the bank and the SSA -- this is by design.

Why is this important? If an American National would like to stop paying Federal Income Tax on his private-sector payments, keep what is his as private property, and in the process defund the social welfare state, he must have a status which would indemnify a private-sector payer who has in almost all certainty taken on the legal characterization of an "employer" by --

1. Obtaining an EIN by submitting application Form SS-4 and declaring a **United States**<sup>2</sup> domicile for tax purposes, and;

2. Entering into a voluntary withholding agreement with a similarly characterized person pursuant to 26 USC §3402(p)(3), whereby the payer agrees to be treated AS IF it were an “employer” paying “wages” to an “employee.”

Thus, since the payer has most certainly entered into this type of arrangement for itself with other workers at the company, the characterization exists individually in every instance between the person submitting the W-4 and the company in its individual capacity which will be treated AS IF it were a statutory “employer.” Because the company has done this, any person not wishing to be characterized as an “employee” (which is a public office, per 26 CFR §31.3401(c)-1) receiving statutory “wages” from a statutory “employer” must not only indemnify himself, but also the payer, as the payer has taken on this characterization voluntarily but unlawfully through agreements with other workers and the SS-4 application itself. The only way to indemnify oneself and the payer is to submit an appropriately modified Form W-8BEN without a SSN with block 3 specified as “non-person” instead of “individual”. Alternatively, a substitute W-8 can be prepared, which is what our Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001, does.

Before one can legally submit a W-8BEN to a payer, one must legally have the characterization allowing such a submission. If Form SS-5 has been filed whereby the applicant declares a **United States<sup>2</sup>** domicile through the ‘U.S. Citizen’ election in Block 5, this status will be reflected in the individual’s Social Security Numident Record. This information is further shared and corroborated by the IRS in the course of processing tax returns. Additionally, the most recent tax filing submitted to the IRS by the “taxpayer” was in all likelihood a Form 1040 – a form for those domiciled in **United States<sup>2</sup>**. For this reason, an individual’s SSN will also be reflected in the IRS database as belonging to a domiciliary of **United States<sup>2</sup>**, and the W-8BEN submission will be deemed fraudulent and/or frivolous by the IRS if tendered and the submitter legally does not possess that status.

The implementing regulations of the tax code inform the “taxpayer” how to correct their status with the IRS. 26 CFR §301.6109-1(g)(1)(i) states the following:

*(g) Special rules for taxpayer identifying numbers issued to foreign persons—  
(1) General rule--(i) Social security number.*

*A social security number is generally identified in the records and database of the Internal Revenue Service as a number belonging to a U.S. citizen or resident alien individual. A person may establish a different status for the number by providing proof of foreign status with the Internal Revenue Service under such procedures as the Internal Revenue Service shall prescribe, including the use of a form as the Internal Revenue Service may specify. Upon accepting an individual as a nonresident alien individual, the Internal Revenue Service will assign this status to the individual's social security number.*

However, as illustrated in the discussion above, before a “taxpayer” can obtain this remedy with the IRS, the “taxpayer” must first correct his status with the SSA. 20 CFR §422.110(a) states the following:

*Sec. 422.110 Individual's request for change in record.*

*(a) Form SS-5. If you wish to change the name or other personal identifying information you previously submitted in connection with an application for a social security number card, you must complete and sign a Form SS-5 except as provided in paragraph (b) of this section. You must prove your identity, and you may be required to provide other evidence. (See Sec. 422.107 for evidence requirements.) You may obtain a Form SS-5 from any local Social Security office or from one of the sources noted in Sec. 422.103(b). You may submit a completed request for change in records to any Social Security office, or, if you are outside the U.S., to the Department of Veterans Affairs Regional Office, Manila, Philippines, or to any U.S. Foreign Service post or U.S. military post. If your request is for a change of name on the card (i.e., verified legal changes to the first name and/or surname), we may issue you a replacement card bearing the same number and the new name. We will grant an exception from the limitations specified in Sec. 422.103(e)(2) for replacement social security number cards representing a change in name or, if you are an alien, a change to a restrictive legend shown on the card. (See Sec. 422.103(e)(3) for the definition of a change to a restrictive legend.)*

The truth of the matter is hidden in plain site. The Congress, through the SSA addresses those who they have legislative sovereignty over – namely, foreign nationals. Of course, as an American National, you are afforded equal protection of the law, and the above remedy also applies to you when desiring to change your civil status on file with the SSA.

Once a “taxpayer” submits a new SS-5, his Numident Record is updated. This Numident Record is continually referenced by the IRS to process federal income tax returns. Now, when a “nonresident alien” “taxpayer” pursues the remedy provided in 26 CFR §301.6109-1(g)(1)(i), the IRS will not flag the return as being

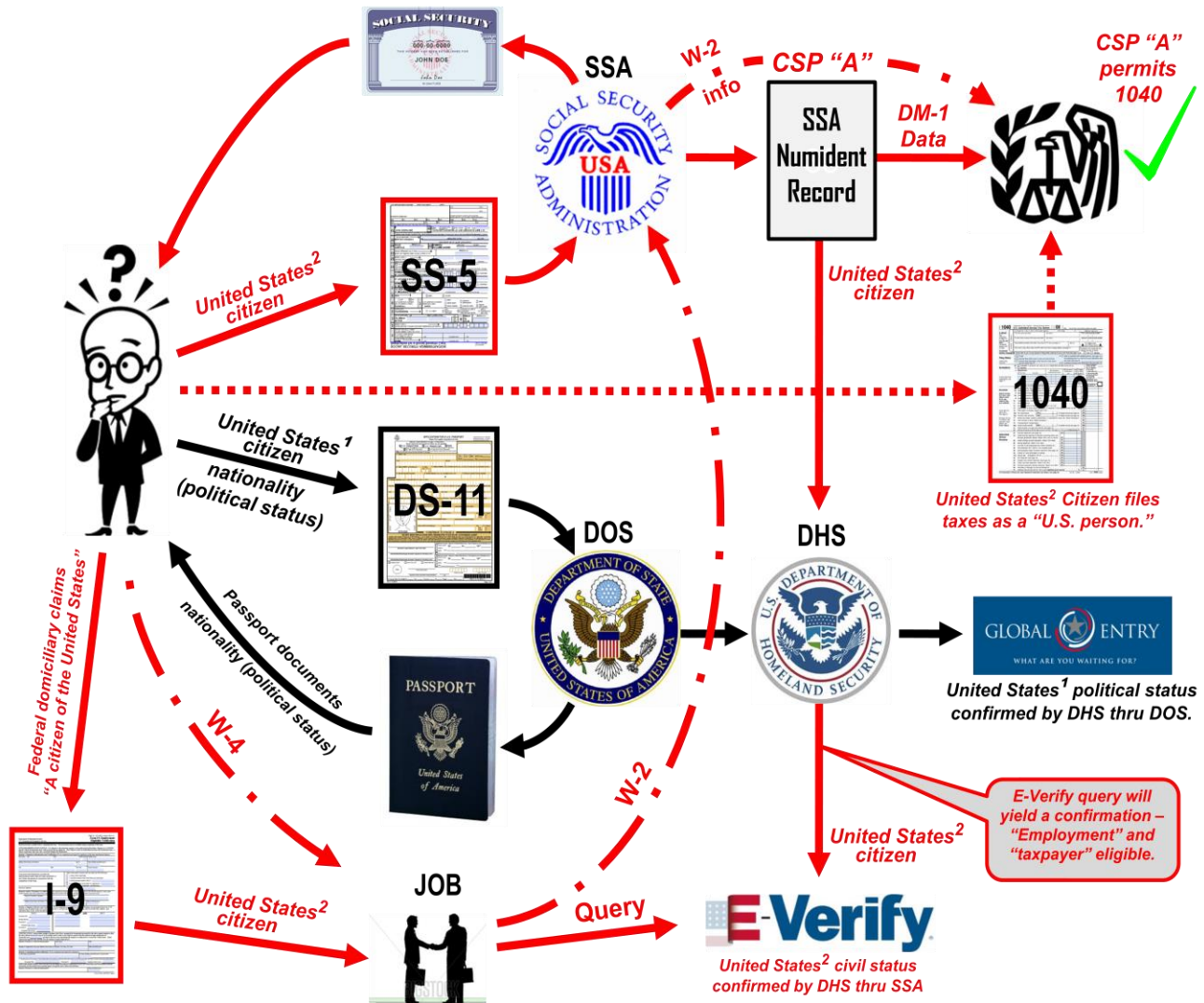
fraudulent or frivolous, as the Social Security Numident Record of the “*taxpayer*” will now indicate ‘Legal Alien Allowed To Work’ and not ‘U.S. Citizen.’ This will allow a Form 1040NR to process without being flagged as fraudulent or frivolous. Following the successful correction of status with both the SSA and the IRS as provided for in the above regulatory language, the “*taxpayer*” now has the ability to legally opt-out of an otherwise mandatory W-4 within the private-sector because his status now reflects that of someone who legally can be a non-“*taxpayer*” while also providing the evidence to indemnify the company (a modified Form W-8BEN). Furthermore, this “*alien*” status is on file with the two government entities which control and regulate this very subject matter – the SSA and the IRS.

Every American National who wishes to reclaim the precious tenets of Federalism, and in the process, defund the social welfare state, can legally do so by applying the government’s own guidance. ‘Patriots’ can argue all they want about being tricked into the system. Ignorance of the law is no excuse, and if said ‘patriots’ knew who they were to begin with, the above described method of remedy would not have to be accomplished, as the ‘patriot’ would have always remained in his naturally-born sovereign status – that of a “*nonresident alien*” non-“*taxpayer*.” At some point, the ‘patriot’ submitted himself to the sovereignty of the Federal government either voluntarily through ignorance, or through well-intentioned means such as in “*service*” to his nation within a “*department*” as defined in the *Classification Act of 1923* and the *Classification Act of 1949*. However, even if done so with good intentions, an American who in the course of becoming a illegitimate “*taxpayer*” did so while also usually FALSELY declaring a **United States<sup>2</sup>** domicile, he must now take steps to correct that fraudulent status in the records of the government, and must further do so as a presumed but not actual “*taxpayer*,” as the IRS deals only with “*taxpayers*” and not non-“*taxpayers*.” It is their franchise, therefore they can legitimately make the rules for people who LAWFULLY participate, but those who are American nationals in states of the Union CANNOT lawfully participate unless ONLY within a federal enclave. Americans who value the ‘Rule of Law’ should also follow the constitutional and territorial limits of the law and remind the IRS that they are NOT and never have been domiciled within the statutory “United States”, doing business there, or having a domicile there.

We are all currently in this mess the Federal Reserve has constructed for us. It has taken generations to build. Is what they have done moral? No! Is it legal? Yes! The Founding Fathers told us not to trust our government, and they baited the trap with cheese (legal tender and benefits) and we surrendered our sovereignty through sloth and ignorance and misrepresenting our status on government forms resulting in FRAUD in the records of the government. See *Avoiding Traps on Government Forms*, Form #12.040. Our reward: A bankrupt nation-state dominated by the military-industrial complex and a parasitic population of which 50% consumes that which the other 50% produces. A good portion of this however, goes to the Federal Reserve in the form of interest payments on the legal tender borrowed by the government from the Federal Reserve who prints it for pennies, and then loans it at face value – a mathematically impossible situation entered into by our government with the privately-owned Fed back in 1913 – the same year the 16<sup>th</sup> Amendment was ratified. We can best serve our country by realizing who we are, correcting our status to that of a “*non-resident non-person*” (Form #05.020) “*nontaxpayer*” (Form #08.008) in accordance with the law, and then finally using that corrected status to opt out of the federal income tax legally insofar as it is applied in the 50 States, and that is, as an indirect excise tax on income obtained in the course of a federal public office franchise activity. Otherwise, a human being incorrectly labelled “*taxpayer*” and thereby deemed domiciled in **United States<sup>2</sup>** will continually make ‘donations’ under *Tax Class 5* to the United States Treasury through the ‘voluntary compliance’ mechanisms which are in fact legally binding, and have in fact legitimized the government’s methods of enforcement against indoctrinated and uneducated Americans. Furthermore, direct taxes do not need to be apportioned in the **United States<sup>2</sup>** or for those who have claimed a domicile there for the purposes of the federal income tax.



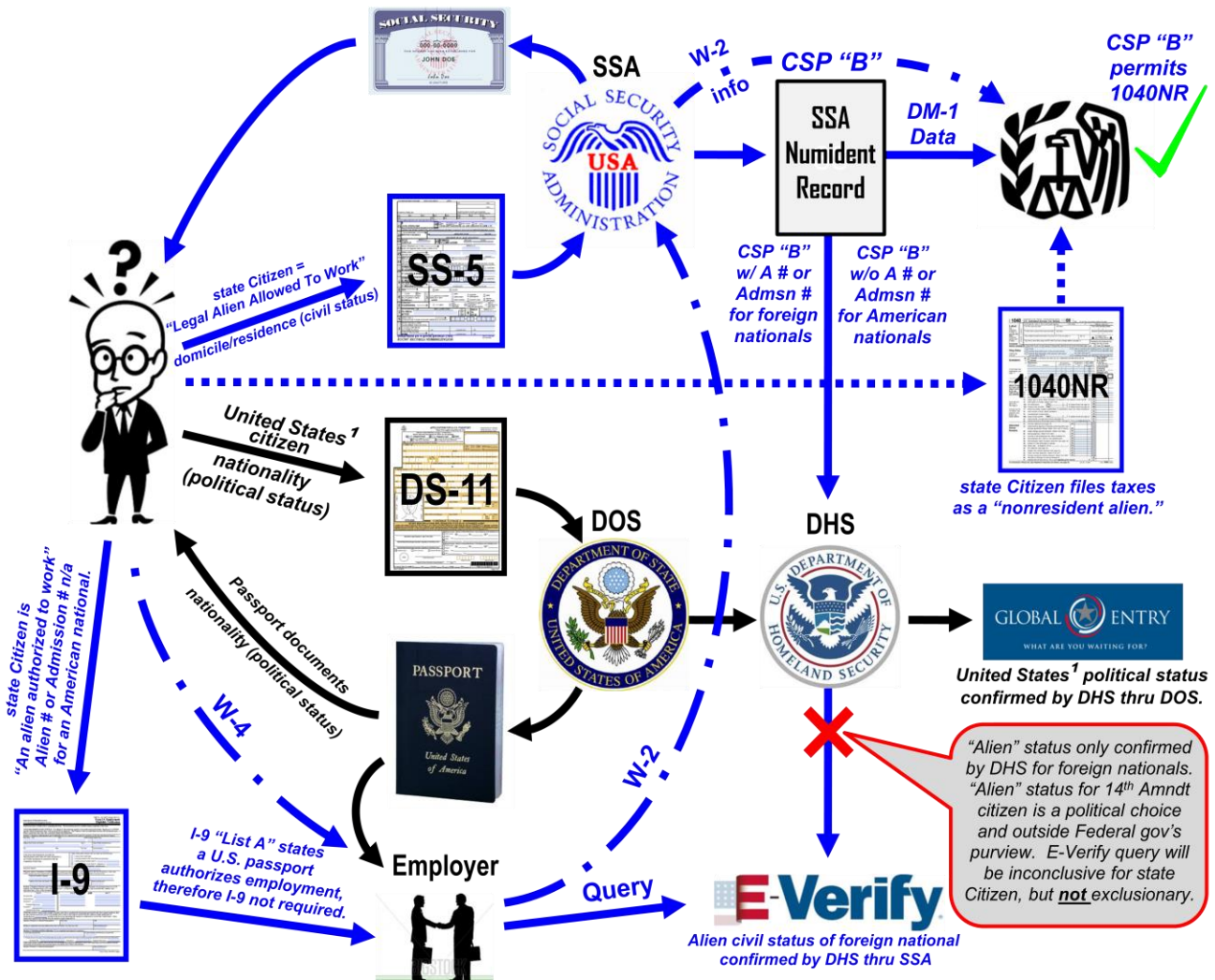
## 16 How A “U.S. Citizen” Interfaces Certain Government Systems



When an American national categorizes him or herself as a statutory "U.S. Citizen" (8 U.S.C. §1401) for ALL federal purposes, a complex system of gateways and checkpoints becomes activated. The above system works in harmony to establish a Federal tax domicile regardless of actual residence within the external boundaries of one of the 50 sovereign states of the Union. This declared federal tax domicile (a declaration which constitutes political speech) attaches with it certain PERCEIVED but UNLAWFUL obligations which create a nexus to otherwise voluntary franchise agreements. These ILLEGAL legal obligations which accompany the declared domicile and the activity create a "taxpayer" status for all receipts, and a total loss of private property rights. See Separation Between Public and Private Course, Form #12.025 for the importance of PRIVATE property and separating it from PUBLIC property and franchises.



# 17 How Union state Citizens Can Interface Certain Government Systems



An American national can maintain the organic protections of constitutional state Citizenship by correctly and accurately characterizing him or herself as a statutory "non-person" in matters regarding nationality AND domicile. Thus, a state Citizen is a statutory "non-person" and common law "national" (8 U.S.C. §1101(a)(21)) but not statutory "citizen" (per 8 U.S.C. §1401) under Federal law and has the right to conduct PRIVATE commerce payments tax free within the private-sector. Realize the *E-Verify* program only confirms the political alien status of a foreign national, as this status is simply a political affiliation for an American national, and falls 100% outside the purview of the Federal government. Knowing this and properly arranging one's affairs to reflect this reality is essential for retaining private property rights.

# Federal Statutory Terms and Their Constitutional Equivalent

Terms in Federal Statutes (Authored by Congress)	Language in Constitution (Authored by the People)
<b>United States<sup>1</sup></b> (political sense) <sup>a</sup>	<b>United States<sup>1</sup></b> (the nation -- 14th Amdt)
United States (geographical sense) <sup>b</sup>	components individually addressed but not collectively
<b>United States<sup>2</sup></b> (geographical sense) <sup>c</sup>	Territory or other Property of the <b>United States<sup>6</sup></b> (IV:3:2)
the 50 States (capital "S") <sup>d</sup>	<b>United States<sup>3</sup></b> (the 50 States united)
<b>United States<sup>6</sup></b> (corporate sense)	<b>United States<sup>6</sup></b> (the government -- 14th Amdt)
Nationality -- United States of America <sup>e</sup>	<b>United States<sup>1</sup></b> citizenship (14th Amdt)
American National <sup>f1, f2</sup>	<b>United States<sup>1</sup></b> citizen (14th Amdt)
<b>United States<sup>2</sup></b> National <sup>g</sup>	not addressed
citizen (domiciliary) <sup>h</sup>	inhabitant
<b>United States<sup>2</sup></b> citizen <sup>i</sup>	not addressed
state (lower-case "s") <sup>j</sup>	State (capital "S")
State (capital "S") <sup>k</sup>	Territory or other Property of the <b>United States<sup>6</sup></b> (IV:3:2)
alien <sup>l</sup>	State Citizen
alien <sup>m</sup>	not addressed

<sup>a</sup>A political entity comprising relevant geography, its politically organized people, and their general government -- a sovereign nation

<sup>b</sup>Collective geography within the political jurisdiction of United States the nation (50 States, D.C., Federal Territory and possessions)

<sup>c</sup>A geographical entity comprising D.C., Federal Territory and possessions -- here an Act of Congress is locally applicable

<sup>d</sup>Addressed in this manner insofar as Union state sovereignty is not compromised -- a collection of 50 legislatively sovereign entities

<sup>e</sup>See Identification Page in U.S. Passport -- constitutional citizenship -- establishes political status within **United States<sup>1</sup>**

<sup>f1</sup>U.S.A. National/American National -- adjectives "U.S.A." and "American" seldomly used -- a 'U.S. Citizen' colloquially and on Form DS-11 (passport app)

<sup>f2</sup>Only Citizens of the 50 States are American Nationals through the 14th Amdt -- otherwise *ex proprio vigore* through an Act of Congress

<sup>g</sup>American National who obtained nationality *ex proprio vigore* through an Act of Congress

<sup>h</sup>A person subject to a particular legislative jurisdiction

<sup>i</sup>An American National with a domicile in D.C., a Federal Territory or a possession -- statutory citizenship -- a 'U.S. Citizen' on Form SS-5 (SSN app)

<sup>j</sup>A legislatively foreign state -- one of the 50 States or a foreign nation-state as they relate legislatively to Congress

<sup>k4</sup> USC §110(d), 8 USC §1101(a)(36), and 26 USC §7701(a)(10) -- Individually/combination of Fed Terr or possession of the United States and/or D.C.

<sup>l</sup>A Citizen of one of the 50 States with a legislatively foreign domicile -- civil status secured by the 1st Amdt and outside of Congressional purview

<sup>m</sup>A foreign national -- a civil status within Congressional purview pursuant to Art I, Sec 8, Cl 4 of the United States Constitution

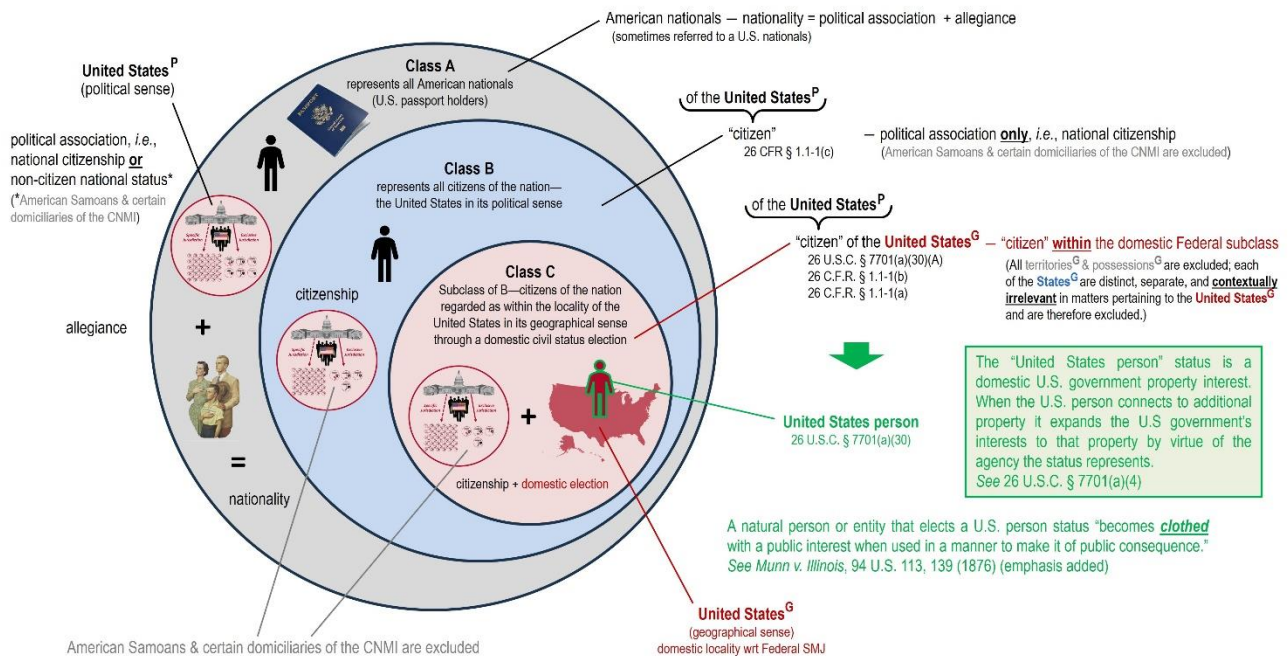
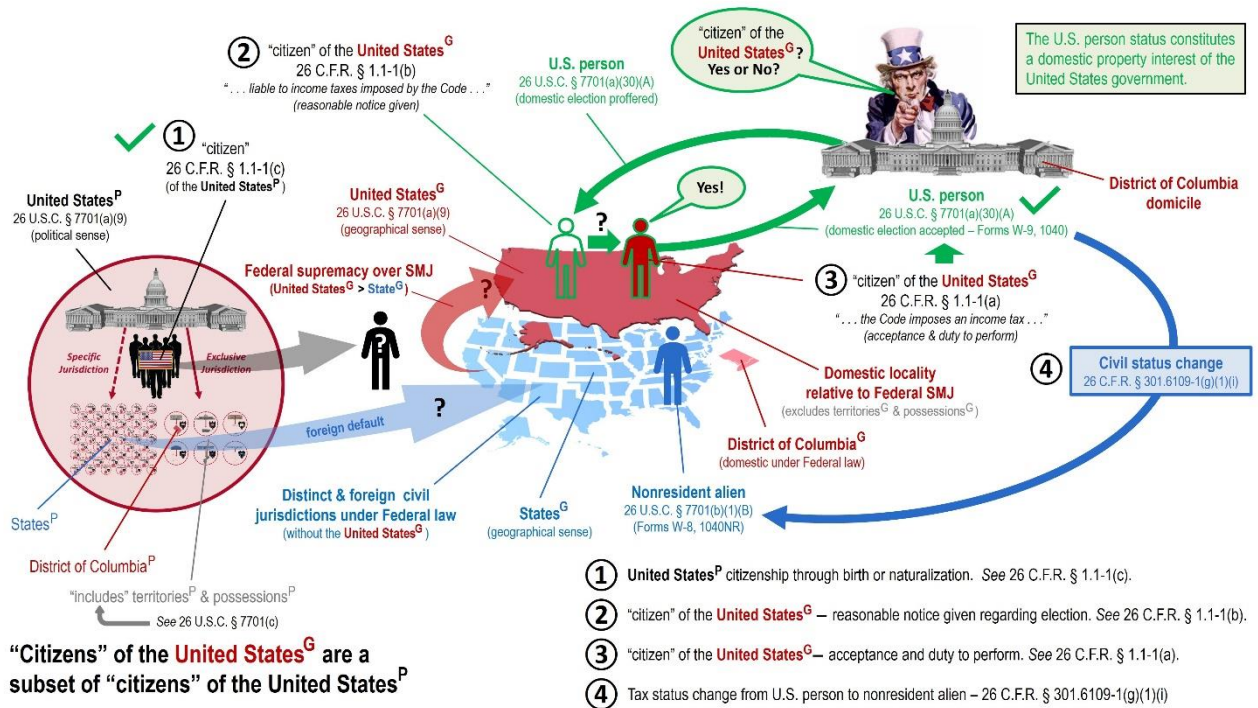
**Note:** The appearance of 'U.S. Citizen' on a government form should be construed as non-statutory nomenclature. Capitalization of the word 'Citizen' is an indication of the United States government acting in its sovereign capacity within an applicable context for the 'United States' in either **1.** its political jurisdiction in matters of nationality and political status within the **United States<sup>1</sup>**, or **2.** its legislative jurisdiction in matters of geographical sovereignty and statutory civil status within **United States<sup>2</sup>**. When 'U.S. Citizen' is proffered on a government form, the United States government is acting in a sovereign capacity -- it is incumbent upon the applicant to know in which capacity it is acting, whether in a political sense or a civil sense.

**Example 1.** The Department of State's Form DS-11 proffers the entity 'U.S. Citizen' as an option for selection. In this instance the United States government is acting in its sovereign capacity as the general government of the nation for American Nationals who have received their nationality

and political status through the "citizenship clause" of the Fourteenth Amendment. **Hint:** In this instance, the "United States" at issue is a political entity -- the nation (**United States<sup>1</sup>**).

**Example 2.** The Social Security Administration's Form SS-5 proffers the entity 'U.S. Citizen' as a civil status election within the 'Block 5 -- CITIZENSHIP' section of the form. In this instance the United States government is acting in its sovereign capacity within the legislative jurisdiction where an Act of Congress is locally applicable -- defined as the "United States" pursuant to 42 USC §1301(a)(2). **Hint:** In this instance, the "United States" at issue is a geographical entity -- a legislative and civil jurisdiction (**United States<sup>2</sup>**).

# 18 How a **POLITICAL** citizen\* **ELECTS** to be a **CIVIL** citizen\*\*+D under the Internal Revenue Code



For a fascinating validation of the above diagrams from an AI chatbot, see:

AI DISCOVERY: How being privileged as an alien or consenting as an American National affects your constitutional rights, FTSIG

<https://ftsig.org/ai-discovery-how-being-privileged-as-an-alien-or-consenting-american-national-affects-your-constitutional-rights/>



## **19 Resources for Further Reading, Research, and Rebuttal**

1. Citizenship
  - 1.1. Citizenship and Sovereignty Course, Form #12.001  
SLIDES: <https://sedm.org/LibertyU/CitAndSovereignty.pdf>  
VIDEO: <http://www.youtube.com/watch?v=xMrSiiAqJAU>
  - 1.2. Citizenship Status v. Tax Status, Form #10.011  
<https://sedm.org/Forms/10-Emancipation/CitizenshipStatusVTaxStatus/CitizenshipVTaxStatus.htm>
  - 1.3. Why You are a “national”, “state national”, and Constitutional but not Statutory Citizen, Form #05.006  
<https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
  - 1.4. Citizenship, Domicile, and Tax Status Options, Form #10.003  
<https://sedm.org/Forms/10-Emancipation/CitDomTaxStatusOptions.pdf>
  - 1.5. Truth in Taxation Hearings, Form #03.032, Section 14: Citizenship  
<https://truthintaxationhearings.famguardian.org/>
  - 1.6. Taxation Topic Page, Section 7: Citizenship, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/taxes.htm#CITIZENSHIP>
2. Income Taxation within Constitutional States
  - 2.1. Taxation Page, Family Guardian Fellowship  
<https://famguardian.org/Subjects/Taxes/taxes.htm>
  - 2.2. Non-Resident Non-Person Position, Form #05.050  
<https://sedm.org/Forms/05-MemLaw/NonresidentNonPersonPosition.pdf>
  - 2.3. Nonresident Alien Course, Form #12.045  
<https://sedm.org/LibertyU/NRA.pdf>
  - 2.4. The Great IRS Hoax, Form #11.302  
<https://famguardian.org/Publications/GreatIRSHoax/GreatIRSHoax.htm>
  - 2.5. Legal Basis for the Term “Nonresident Alien”, Form #05.036  
<https://sedm.org/Forms/05-MemLaw/LegalBasisForTermNRAlien.pdf>
  - 2.6. Challenging Jurisdiction Workbook, Form #09.082-proof the IRS has no enforcement authority over you unless you give it to them.  
<https://sedm.org/Forms/09-Procs/ChalJurWorkbook.pdf>
  - 2.7. Challenge to Income Tax Enforcement Authority within Constitutional States of the Union, Form #05.052  
<https://sedm.org/Forms/05-Memlaw/ChallengeToIRSEnforcementAuth.pdf>
  - 2.8. Federal Enforcement Authority Within States of the Union, Form #05.032  
<https://sedm.org/Forms/FormIndex.htm>
3. Income Tax Withholding
  - 3.1. Hot Issues: Tax Withholding and Reporting\*  
<https://sedm.org/tax-withholding-and-reporting/>
  - 3.2. SEDM Forms/Pubs Page, Section 1.4: Tax Withholding and Reporting Forms  
<https://sedm.org/Forms/FormIndex.htm>
  - 3.3. Federal and State Withholding Options for Private Employers, Form #09.001  
<https://sedm.org/Forms/09-Procs/FedStateWHOptions.pdf>
  - 3.4. Federal and State Income Taxation of Individuals Course, Form #12.003  
SLIDES: <https://sedm.org/LibertyU/Taxes.pdf>  
VIDEO: <http://youtu.be/GolzN63Uk7E>
  - 3.5. About IRS Form W-8BEN, Form #04.202-how to use the IRS Form W-8  
<https://sedm.org/Forms/FormIndex.htm>
  - 3.6. W-8SUB, Form #04.231-withholding form to use as a national and a nonresident alien  
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8SUB.pdf>
  - 3.7. W-8 Attachment: Citizenship, Form #04.219-explains these diagrams for withholding agents  
<https://sedm.org/Forms/04-Tax/2-Withholding/W-8BEN/W-8Attachment-CITIZENSHIP.pdf>
4. Avoiding misrepresenting your status or being victimized by government deception and propaganda
  - 4.1. How State Nationals Volunteer to Pay Income Tax, Form #08.024  
<https://sedm.org/Forms/08-PolicyDocs/HowYouVolForIncomeTax.pdf>
  - 4.2. Proof that American Nationals are Nonresident Aliens, Form #09.081  
<https://sedm.org/Forms/09-Procs/ProofAnNRA.pdf>
  - 4.3. Rebutted False Arguments About the Nonresident Alien When Used by American Nationals, Form #08.031  
<https://sedm.org/Forms/08-PolicyDocs/RebArgNRA.pdf>

- 4.4. *Legal Deception, Propaganda, and Fraud*, Form #05.014  
<https://sedm.org/Forms/05-MemLaw/LegalDecPropFraud.pdf>
- 4.5. *Avoiding Traps on Government Forms Course*, Form #12.023  
<https://sedm.org/LibertyU/AvoidingTrapsGovForms.pdf>
- 4.6. *Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction*, Form #05.017  
<https://sedm.org/Forms/05-MemLaw/Presumption.pdf>
- 4.7. *Foundations of Freedom Course*, Form #12.021, Video 4: Willful Government Deception and Propaganda  
SLIDES: <https://sedm.org/LibertyU/FoundOfFreedom-Slides.pdf>  
VIDEO: [https://www.youtube.com/watch?v=hPWMfa\\_oD-w](https://www.youtube.com/watch?v=hPWMfa_oD-w)
- 4.8. *Liberty University*, Section 8: Resources to Rebut Government, Legal, and Tax Profession Deception and False Propaganda  
<https://sedm.org/LibertyU/LibertyU.htm>
- 4.9. *Liberty University*, Section 9: Resources to Rebut Private Sector Deception and False Propaganda  
<https://sedm.org/LibertyU/LibertyU.htm>