






How You are Illegally Deceived or Compelled to Transition from Being a POLITICAL Citizen to a CIVIL Citizen: By Confusing the Two Contexts

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


Table of Contents:

1. [Introduction](#)
2. [Where the confusion over citizenship originates: Trying to make POLITICAL and CIVIL contexts equivalent](#)
3. [How the confusion is generally perpetuated: Word of Art "United States"](#)
4. [Purpose for the confusion in laws and forms](#)
5. [Obfuscated federal definitions confuse CIVIL Context with POLITICAL Context](#)
6. [State statutory definitions of "U.S. citizen"](#)
7. [Legal definition of "citizen"](#)
8. [The architect of our present government system, Montesquieu, predicted this deception, corruption, and confusion of contexts](#)
9. [The methods of deceit and coercion on the citizenship issue](#)
10. [How the deceit and compulsion is implemented in the courtroom](#)
11. [How you help the government terrorists kidnap your legal identity and transport it to "The District of Criminals".](#)
12. [Questions you can ask that will expose their deceit and compulsion](#)
13. [The Hague Convention HIDES the ONE portion that differentiates NATIONALITY from DOMICILE](#)
14. [Social Security Administration HIDES your citizenship status in their NUMIDENT records](#)
15. ["Citizenship" in federal court implies Domicile on federal territory not within any state](#)
16. [How you unknowingly volunteered to become a CIVIL "U.S.** Citizen**+D" under federal statutes](#)
17. [How to prevent being deceived or compelled to assume the civil status of "U.S.** citizen**+D"](#)
18. [Misapplication of Statutory diversity of citizenship or federal jurisdiction to state citizens](#)

Related resources:

- [How Scoundrels Corrupted Our Republican Form of Government](#)-documents how franchises such as CIVIL "U.S.** Citizen**+D" are abused to destroy our republican form of government.
- [Citizenship Status v. Tax Status](#) - detailed authorities on the differences between CIVIL citizenship and POLITICAL citizenship.
- [Two Political Jurisdictions: "National" government v. "Federal/general" government](#)
-  [Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien](#) - Section 10 deals with how citizenship terms have been deliberately obfuscated.
- [Why Domicile and Becoming a "Taxpayer" Require Your Consent](#) - how citizenship terms are deliberately confused
-  [Why the Fourteenth Amendment is Not a Threat to Your Freedom, Form #08.015](#) (OFFSITE LINK) - a common misconception in the freedom community about citizenship, mostly due to misunderstandings and ignorance about the subject of this article
- [The FOUR "United States"](#) -how corrupt judges and legislators confuse "United States" the legal person with "United States" the territory
- [Statutory v. Constitutional Contexts](#) - how corrupt judges and prosecutors confuse contexts in order to deceive and STEAL from you
- [Sovereignty Forms and Instructions Online, Form #10.004, Cites By Topic: "United States"](#)
- [US v. USA: According to the Bluebook: A Uniform System of Citation](#)
- [The "United States" Isn't a Country, Its a Corporation](#)
-  [Eisenberg v. Commercial Union Assurance Company Limited](#)(LARGE 592Kbytes)-according U.S. District Court, "United States" and "State" mean the federal zone. The Sovereign 50 states are referred to as "foreign states" and "states" but not "States" in the tax code.
- [A Detailed Study into the Meaning of the term "United States" found in the Internal Revenue Code](#) -Family Guardian Fellowship
 - [HTML Version](#)-Large, 282Kbytes
 -  [Acrobat Version](#)-(1.7 Mbytes)
 -  [Zipped version](#)-small, 90 Kbytes

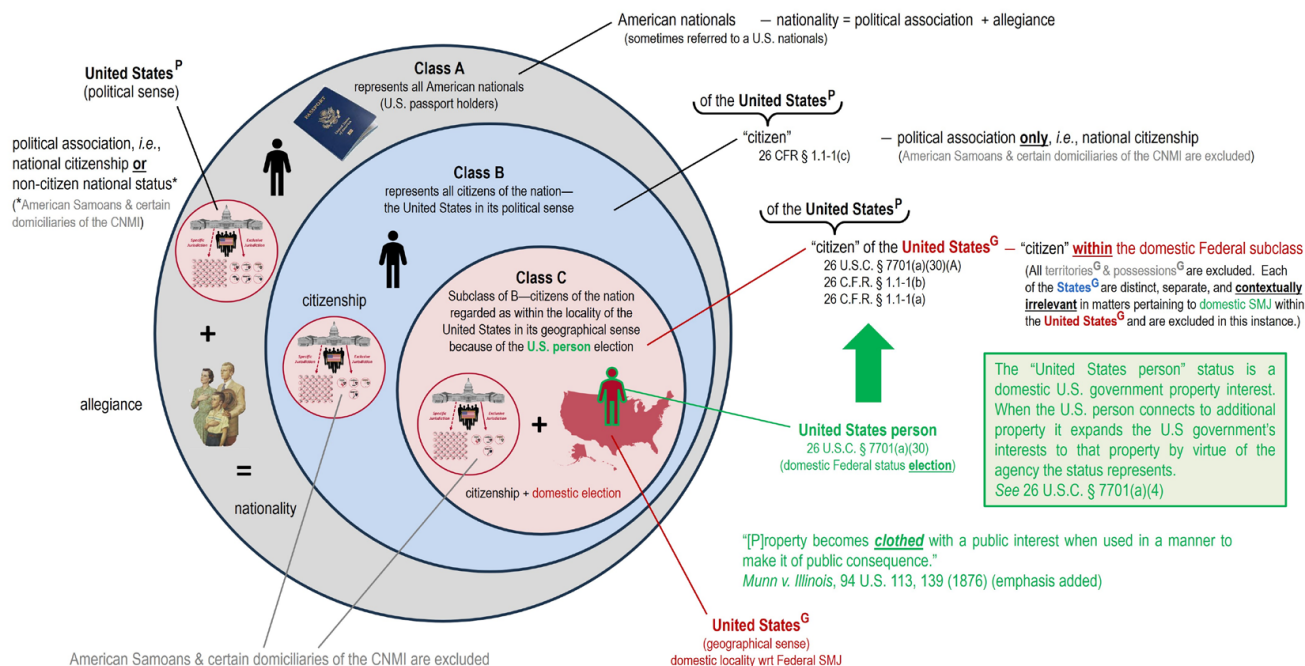
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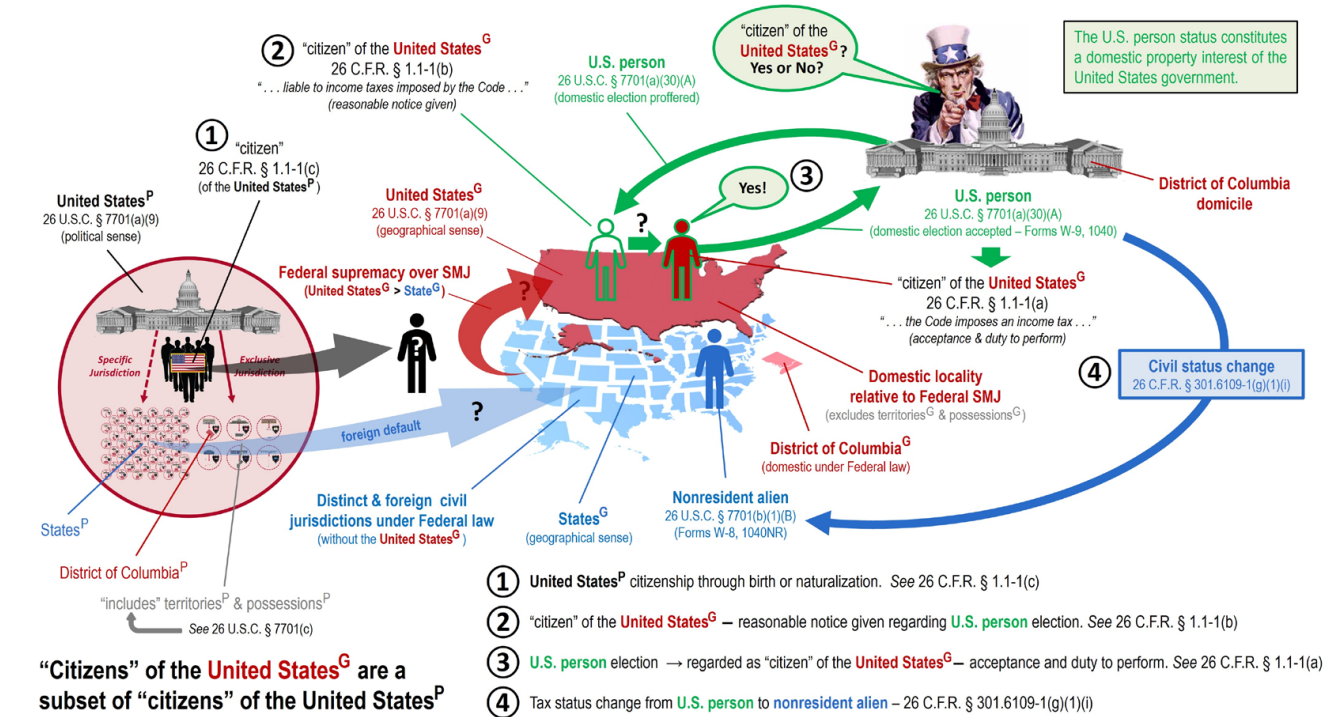
- [Tax Return History: Citizenship](#) -Family Guardian. PROVES the IRS recognizes American Nationals as Nonresident Aliens.
-  [How State Nationals VOLUNTEER to Pay Income Tax, Form #08.024](#) (OFFSITE LINK) -You're a VOLUNTEER! UNVOLUNTEER!
-  [Nonresident Alien Position Course, Form #12.045](#) (OFFSITE LINK)-Simplified description of the Nonresident Alien Position.
-  [Property View of Income Taxation, Form #12.046](#) (OFFSITE LINK)-Simplified description of the Nonresident Alien Position for use in front of a jury WITHOUT discussing ANY statutes!.
-  [Proof that American Nationals are Nonresident Aliens, Form #09.081](#) (OFFSITE LINK) -proof that all American Nationals are VOLUNTEERS!
-  [Rebutted False Arguments About the Nonresident Alin Position When Used by American Nationals, Form #08.031](#) (OFFSITE LINK)-SEDM
-  [Why It's a Crime for a Private American National to File a 1040 Income Tax Return, Form #08.021](#) (OFFSITE LINK)-SEDM
-  [How to File Returns, Form #09.074**](#) (Member Subscriptions, OFFSITE LINK)-SEDM. How to file nonresident alien returns and thus WITHDRAW your election to be a "U.S. person"

- [Procedure to File Returns, Form #09.075**](#) (Member Subscriptions, OFFSITE LINK)-SEDM. How to file nonresident alien returns and thus WITHDRAW your election to be a "U.S. person"
- [Challenging Jurisdiction Workbook, Form #09.082](#) (OFFSITE LINK)-SEDM, Proves the IRS has NO ENFORCEMENT authority against you that you don't consent to give them.
- [An Honest Answer to the We the People Petition for Redress of Grievances, Form #08.029](#) (OFFSITE LINK)-SEDM
- [Identity Theft Affidavit, Form #14.020](#) (OFFSITE LINK) -Use this to report identity theft by being involuntarily connected with CIVIL "U.S.** Citizen**+D" status.
- [Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002](#) (OFFSITE LINK) - Attach this form to all your pleadings, petitions, and responses filed in a federal district court. It will protect your status as a person not subject to their jurisdiction.
- [Citizenship, Domicile, and Tax Status Options, Form #10.003](#) (OFFSITE LINK) - Excellent succinct reference to talk about citizenship and domicile in legal proceedings and discovery to prevent misunderstandings about your sovereign status.
- [Affidavit of Citizenship, Domicile, and Tax Status, Form #02.001](#) (OFFSITE LINK) - attach this to any and all government administrative forms and correspondence as a mandatory attachment to prevent being mistreated as a statutory "U.S. citizen"

SOURCES:

1. [Great IRS Hoax, Form #11.302, Section 4.12.14](#)
2. [Why You are a Political Citizen but Civil Non-Citizen, National, and Nonresident Alien, Form #05.006, Section 14](#)





1. Introduction

This section builds on the content of section 4.12.3.8 earlier, where we talked about definitions of U.S. citizenship terms. We state throughout this book 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 our 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 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.

2. 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:

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

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

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:

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](http://sedm.org/Forms/FormIndex.htm), 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](http://sedm.org/Forms/FormIndex.htm), 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](http://sedm.org/Forms/FormIndex.htm), Form #08.004, Section 3
<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.^[1] See also:

[Unlicensed Practice of Law](http://sedm.org/Forms/FormIndex.htm), 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](http://sedm.org/Forms/FormIndex.htm), Form #08.018
<http://sedm.org/Forms/FormIndex.htm>

The only reason any of the above works is because the average American remains ignorant and complacent about law and legal subjects:

“The only thing necessary for evil to triumph is for good men to do nothing or to trust bad men to do the right thing.”
[SEDM]

“...it is not good for a soul to be without knowledge,”
[Prov. 19:2, Bible, NKJV]

“My people are destroyed for lack of knowledge.”
[Hosea 4:6, Bible, NKJV]

“...we should no longer be children, tossed to and fro and carried about with every wind of doctrine, by the trickery of men, in the cunning craftiness of deceitful plotting, but speaking the truth in love, may grow up in all things into Him

who is the head—Christ.”
[Eph. 4:14, Bible, NKJV]

“One who turns his ear from hearing the law [God's law or man's law], even his prayer is an abomination.”
[Prov. 28:9 , Bible, NKJV]

The following subsections will go into greater depth about each of the above abuses to show how they are criminally perpetrated. This will allow you to get legal remedy in a court of law to correct them.

3. How the confusion is generally perpetuated: Word of Art “United States”

The main method of perpetuating the confusion between the STATUTORY and CONSTITUTIONAL context is a failure or refusal to distinguish WHICH of the four specific meanings of “United States” is implied in each use. We will cover how this is done in this section.

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 geographical definitions of “United States” were described by the U.S. Supreme Court in [Hooven and Allison v. Evatt, 324 U.S. 652 \(1945\)](#) .:

Table 19 : Geographical terms used throughout this page

Term	# in diagrams	Meaning
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 States⁴". 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, 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>

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 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. 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]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 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 jurisdiction.**"

[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]

[1] 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.

4. 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:

"**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 and office-hunting would be produced by an assumption of all the State powers into the hands of the General Government!**"

[Thomas Jefferson to Gideon Granger, 1800. ME 10:168]

The great object of my fear is the Federal Judiciary. That body, like gravity, ever acting with noiseless foot and unalarming advance, gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them."

[Thomas Jefferson to Spencer Roane, 1821. ME 15:326]

"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]

"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 systematic and diabolical plan to destroy the separation of powers and all the efforts to implement it are described in:

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

The purpose of abusing this confusion of contexts between CONSTITUTIONAL and STATUTORY "citizens" and "residents" is to:

1. Avoid having to admit that YOU and not THEM are in charge, and that THEY are the SERVANT and seller and you are the SOVEREIGN and buyer. The customer is always right in a free market.

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

*"Strictly speaking, in our republican form of government, **the absolute sovereignty of the nation is in the people of the nation**; and the residuary sovereignty of each state, not granted to any of its public functionaries, **is in the people of the state.** 2 Dall. 471*
[Bouv. Law Dict (1870)]

"The ultimate authority ... resides in the people alone."
[The Federalist, No. 46, James Madison]

*"... a very great lawyer, who wrote but a few years before the American revolution, seems to doubt whether the original contract of society had in any one instance been formally expressed at the first institution of a state; The American revolution seems to have given birth to this new political phenomenon: in every state a written constitution was framed, and adopted by the people, both in their individual and sovereign capacity, and character. **By this means, the just distinction between the sovereignty, and the government, was rendered familiar to every intelligent mind; the former was found to reside in the people, and to be unalienable from them; the latter in their servants and agents:** by this means, also, government was reduced to its elements; its object was defined, its principles ascertained; **its powers limited, and fixed;** its structure organized; and the functions of every part of the machine so clearly designated, as to prevent any interference, so long as the limits 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
<https://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".
 1. In their language, civil STATUTORY "citizens" and "residents" are "customers".
 2. You have a right NOT to contract with them for protection under the social compact.
 3. You have a First Amendment right to NOT associate with them and not be compelled to associate with them civilly.
 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]

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:

"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:

1. Ministry Introduction, Form #12.014
2. De Facto Government Scam, Form #05.043
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
<https://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
<https://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.

5. Obfuscated federal definitions to 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 "United States" the country, 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 "non-citizen national" found in 8 U.S.C. §1101(a)(21).
3. **Differences between statutory 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 1st clause of the 14th 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 1st section of the 14th 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 1st clause of the 1st 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.

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

A careful reading of *Boyd v. Nebraska*, 143 U.S. 135 (1892) helps clarify the true meaning of the term "citizen of the United 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 United States"[***] is indeed a "national of the United States" in the context of federal statutes only:

"Mr. Justice Story, in his Commentaries on the Constitution, says: 'Every citizen of a state is ipso facto a citizen of the [143 U.S. 135, 159] United States.' Section 1693. And this is the view expressed by Mr. Rawle in his work on the Constitution. Chapter 9, pp. 85, 86. Mr. Justice CURTIS, in Dred Scott v. Sandford, 19 How. 393, 576, expressed the opinion that under the constitution of the United States 'every free person, born on the 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 States.' And Mr. Justice SWAYNE, in The Slaughter-House Cases, 16 Wall. 36, 126, declared that 'a citizen of a state is ipso facto a citizen of the United States.' But in Dred Scott v. Sandford, 19 How. 393, 404, Mr. Chief Justice TENNEY, delivering the opinion of the court, said: '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. ...In discussing this question, we must not confound the rights of citizenship which a state may confer within its own limits and the rights of citizenship as a member of the Union. It does not by any means follow, because he has all the rights and privileges of a citizen of a state, that he must be a citizen of the United States. He may have all of the rights and privileges of the citizen of a state, and yet not be entitled to the rights and privileges of a citizen in any other state; for, previous to the adoption of the constitution of the United States, every state had the undoubted right to confer on whomsoever it pleased the character of citizen, and to endow him with all its rights. But this character, of course, was confined to the boundaries of the state, and gave him no rights or privileges in other states beyond those secured to him by the laws of nations and the comity of states. Nor have the several states surrendered the power of conferring these rights and privileges by adopting the constitution of the United States. Each state may still confer them upon an alien, or any one it thinks proper, or upon any class or description of persons; yet he would not be a citizen in the sense in [143 U.S. 135, 160] which that word is used in the constitution of the United States, nor entitled to sue as such in one of its courts, nor to the privileges and immunities of a citizen in the other states. The rights which he would acquire would be restricted to the state which gave them. The constitution has conferred on congress the right to establish a uniform rule of naturalization, and this right is evidently exclusive, and has always been held by this court to be so. Consequently no state, since the adoption of the constitution, can, by naturalizing an alien, invest him with the rights and privileges secured to a citizen of a state under the federal government, although, so far as the state alone was concerned, he would undoubtedly be entitled to the rights of a citizen, and clothed with all the rights and immunities which the constitution and laws of the state attached to that character.' "
[*Boyd v. Nebraska*, [143 U.S. 135](#) (1892)]

Notice above that the term "citizen of the United States[***]" and "rights of citizenship as a member of the Union" are described synonymously. Therefore, a "citizen of the United States" under the Fourteenth Amendment, section 1 and a "citizen 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 state of the Union always were "citizens of the United States[***]" by the definition of the U.S. Supreme Court, which made them "nationals of the United States[***] of America" under federal statutes. What the Fourteenth Amendment did was extend the privileges and immunities of "nationals of the United States" (defined under federal statutes) to those persons who were born in the District of Columbia and other federal territories. The cite below helps confirm this:

"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 my 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. 395 (1873)]

We explained earlier in section 4.11.3 that the federal courts and especially the Supreme Court have done their best to confuse citizenship terms and the citizenship issue so that most Americans would be unable to distinguish between "U.S. national" and "U.S. citizen" status found in federal statutes. This deliberate confusion has then been exploited by collusion of the Executive Branch, who have used their immigration and naturalization forms and publication and their ignorant clerk employees to deceive the average American into thinking they are "U.S. citizens" in the context of federal statutes. Based on our careful reading of various citizenship cases mainly from the U.S. Supreme Court, Title 8 of 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 commonly used by the court and their correct and unambiguous meaning in relation to the statutes found in Title 8, which is the Aliens and Nationality Code:

Table 4-11: Citizenship terms used by the Supreme Court

#	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, our government is called a "federal government" rather than a "national government". See section 4.6 of Great IRS Hoax for further explanation.
2	"national"	Everywhere	"national" is a person owing allegiance to a state	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. 3C Am Jur 2d §2732-2752 : Noncitizen nationality	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 nationality and " national " 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 nationality [NOT "citizenship" or "U.S. citizenship", but "nationality", which means " national "] of a state [of the union] upon a person after birth, by any means whatsoever." 2. Black's Law Dictionary, Sixth Edition, page 1063 under "naturalization".	The U.S. Citizenship and Immigration Services (USCIS) 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 nationality [not "U.S. citizenship" or "citizen of the United States***" status] and allegiance."	1. <i>Perkins v. Elg</i> , 307 U.S. 325 , 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 XE "CITIZENSHIP:national" " 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).
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..	1. <i>Perkins v. Elg</i> , 307 U.S. 325 , 59 S.Ct. 884, 83 L.Ed. 1320 (1939) 2. 8 U.S.C.A. §1401, Notes. See note 1 below. 3. <i>Slaughter-House Cases</i> , 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) 4. 3C Am Jur 2d §2732-2752 : Noncitizen nationality	<i>Perkins v. Elg</i> , 307 U.S. 325 (1939) says: " 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. " This implies that "loss of citizenship" and "expatriation", which is "loss of nationality" are equivalent. <i>Slaughter-House Cases</i> , 83 U.S. 36 (1873) says:

					<p>“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 [by the Fourteenth Amendment TA \s "Fourteenth Amendment"]. 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. <u>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.</u></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>
7	<p>“citizen” used <u>alone</u> and without the term “U.S.**” in front or “of the United States**” after it</p>	<p>1. U.S.*** Constitution 2. U.S.** Supreme Court rulings</p>	<p>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.</p>	<p>1. See <i>Minor v. Happersett</i>, 88 U.S. 162 (1874):</p> <p><u>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."</u> [<i>Minor v. Happersett</i>, 88 U.S. 162 (1874)]</p> <p>2. See also <i>Boyd v. Nebraska</i>, 143 U.S. 135 (1892) , which says:</p> <p><i>“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. ...”</i> [<i>Boyd v. State of Nebraska</i>, 143 U.S. 135 (1892)]</p>	<p>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.</p> <p>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>.</p>
8	<p>“citizen” used <u>alone</u> and without the term “U.S.**” in front or “of the United States**” after</p>	<p>State statutes</p>	<p>Person with a legal domicile within th exclusive jurisdiction of a state of the Union who is NOT a “citizen” under federal statutory law.</p>	<p><u>Law of Nations</u>, Vattel, Section 212.</p>	<p>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 4.9 of the Great IRS Hoax TA \s "Great IRS Hoax" earlier for further details on “police powers”.</p>

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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 <i>never defined</i> 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 <i>also</i> 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 <i>must</i> 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 th 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".
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.	1. 8 U.S.C.A. §1401. 2. <i>3C AmJur.2d</i> §2689 ("U.S. citizen"). 3. 26 C.F.R. §31.3121(e)-1. 4. <i>United States v. Wong Kim Ark</i> , 169 U.S. 649 ; 18 S.Ct. 456; 42 L.Ed. 890 (1898) 5. <i>Cunard S.S. Co. v. Mellon</i> , 262 U.S. 100, 43 S.Ct. 504 (1923) 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 <i>not</i> defined before the ratification of the Fourteenth Amendment TA \s "Fourteenth Amendment" in 1868. Section 1 of the 14 th 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" and a "non-citizen national" as defined in 8 U.S.C. §1101(a)(21) and 8 U.S.C. §1452.	1. 8 U.S.C. §1101(a)(21). 2. 8 U.S.C. §1101(a)(22)(B) 3. <i>Slaughter-House Cases</i> , 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) 4. 3C Am Jur 2d §2732-2752 : Noncitizen nationality 8 U.S.C.A. §1401 notes indicates: " <i>The basis of citizenship in the United States[**] is the English doctrine under which <i>nationality</i> meant birth within allegiance to the king.</i> "
14	"citizen of the Union"	Everywhere	A "national of the United States****" or a "national"	1. <i>Slaughter-House Cases</i> , 83 U.S. (16 Wall.) 36, 21 L.Ed. 394 (1873) " <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. 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 TA \s "Fourteenth Amendment"]. 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 not necessary that he should be born or naturalized in the [country] United States[***] to be a citizen of the Union."
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) TA \s "26 C.F.R. §31.3121(e)" -1. See Note 2.	This term is never defined 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 also 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 must 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 th 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) defines "U.S. citizen" as follows:

[26 C.F.R. 31.3121 State, United States, and citizen.](#)

(e)...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>

6. 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 what it means. Because none of the state election laws define the term, then the legal dictionary definition applies.

7. 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, ISBN 0-87779-510-X, p. 243]

Note in the above that the key to being a citizen under definition (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 “U.S. citizen” in [8 U.S.C. §1401](#) are equivalent.

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 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.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]

So the key requirement to be a “citizen” is to “owe allegiance” to a political community according to Black's Law Dictionary. Under [8 U.S.C. §1101\(a\)\(21\)](#) and [8 U.S.C. §1101\(a\)\(22\)\(B\)](#), 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[**+D]” or “citizen[**+D] of the United States[**]” as defined in [8 U.S.C. §1401](#). 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 “non-citizen nationals” pursuant to 8 U.S.C. §1101(a)(21) and [8 U.S.C. §1452](#) and constitutional or Fourteenth Amendment “Citizens” 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 federal 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 sovereign such as a monarch,”
[Webster's Ninth New Collegiate Dictionary, 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 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)]

8. 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. A general Idea.

I make a distinction between the laws that establish political liberty, as it relates to the constitution, and those by which it is established, as it relates to the citizen. The former shall be the subject of this book; the latter I shall examine in the next.

[The Spirit of Laws, Charles de Montesquieu, 1758, Book XI, Section 1 ;

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

The Constitution in turn is a POLITICAL document which represents law EXCLUSIVELY for public officers within the government. It does not obligate or abrogate any PRIVATE right. It defines what the courts call “public rights”, meaning rights possessed and owned exclusively by the government ONLY.

“And the Constitution itself is in every real sense a law-the lawmakers being the people themselves, in whom under our system all political power and sovereignty primarily resides, and through whom such power and sovereignty primarily speaks. It is by that law, and not otherwise, that the legislative, executive, and judicial agencies which it created exercise such political authority as they have been permitted to possess. The Constitution speaks for itself in terms so plain that to misunderstand their import is not rationally possible. ‘We the People of the United States,’ it says, ‘do ordain and establish this Constitution.’ Ordain and establish! These are definite words of enactment, and without more would stamp what follows with the dignity and character of law. The framers of the Constitution, however, were not content to let the matter rest here, but provided explicitly-‘This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land.’ (Const. art. 6, cl. 2.) The supremacy of the Constitution as law is thus declared without qualification. That supremacy is absolute; the supremacy of a statute enacted by Congress is not absolute but conditioned upon its being made in pursuance of the Constitution. And a judicial tribunal, clothed by that instrument with complete judicial power, and, therefore, by the very nature of the power, required to ascertain and apply the law to the facts in every case or proceeding properly brought for adjudication, must apply the supreme law and reject the inferior stat- [298 U.S. 238, 297] ute whenever the two conflict. In the discharge of that duty, the opinion of the lawmakers that a statute passed by them is valid must be given great 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 court’s opinion, that the statute will prove greatly or generally beneficial is wholly irrelevant to the inquiry. *Schechter Poultry Corp. v. United States*, 295 U.S. 495, 549, 550 S., 55 S.Ct. 837, 97 A.L.R. 947 . “
[Carter v. Carter Coal Co., 298 U.S. 238 (1936)]

The vast majority of laws passed by Congress are what Montesquieu calls “political law” that is intended exclusively for the government and not the private citizen. The authority for implementing such political law is Article 4, Section 3, Clause 2 of the United States Constitution. To wit:

United States Constitution

Article 4, Section 3, Clause 2

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

The only areas where POLITICAL law and CIVIL law overlap is in the exercise of the political rights to vote and serve on jury duty. Why? Because jurists are regarded as public officers in 18 U.S.C. §201(a)(1) :

[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**;

However, it has also repeatedly been held by the courts that poll taxes are unconstitutional. Hence, voters technically are NOT to be regarded as public officers or franchisees for any purpose OTHER than their role as a voter. Recall that all statutory “Taxpayers” are public offices in the

government.

Tax laws, for instance, are “political law” exclusively for the government or public officer and not the private citizen. Why? Because:

1. The U.S. Supreme Court identified taxes as a “political matter”. “Political law”, “political questions”, and “political matters” cannot be heard by true constitutional courts and may ONLY be heard in legislative franchise courts officiated by the 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 :

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. Is a POLITICAL court in the POLITICAL branch of the government. Namely, the Legislative branch.
 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. Sec. 7701](#)(a)(26)

"The term 'trade or business' [includes](#) the performance of the functions of a [public office](#)."

In Book XXVI, Section 15 of the Spirit of Laws, Montesquieu says that POLITICAL laws should not be allowed to regulate CIVIL conduct, meaning that POLITICAL laws limited exclusively to the government should not be enforced upon the PRIVATE citizen or made to “appear” as though they are “civil law” that applies to everyone:

The Spirit of Laws, Book XXVI, Section 15

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

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

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

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

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

Thus when the public has occasion for the estate of an individual, it ought never to act by the rigour of 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.⁴³ 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, 1758, Book XXVI, Section 15 ;

SOURCE: http://famguardian.org/Publications/SpiritOfLaws/sol_11.htm#001]

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

1. The purpose of establishing government is exclusively to protect PRIVATE rights.
2. PRIVATE rights are protected by the CIVIL law. The civil law, in turn is based in EQUITY rather than PRIVILEGE:

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

3. PUBLIC or government rights are protected by the PUBLIC or POLITICAL or GOVERNMENT law and NOT the CIVIL law.
4. The first and most important role of government is to prevent the POLITICAL or GOVERNMENT law from being used or especially ABUSED as an excuse to confiscate or jeopardize PRIVATE property.

Unfortunately, it is precisely the above type of corruption that Montesquieu describes that is the foundation of the present [de facto government](#), tax system, and money system. ALL of them treat every human being as a PUBLIC officer against their consent, and impose what he calls the “rigors of the political law” upon them, in what amounts to unconstitutional eminent domain and a THEFT and CONFISCATION of otherwise PRIVATE property by enforcing PUBLIC law against PRIVATE people.

The way that the corrupt politicians have implemented the corruption described by Montesquieu was that they:

1. Made people born or domiciled in the territories into privileged public officers and franchisees.

*“Is it a franchise? **A franchise is said to be a right reserved to the people by the constitution, as the elective franchise. Again, it is said to be a privilege conferred by grant from government, and vested in one or more individuals, as a public office.** Corporations, or bodies politic are the most usual franchises known to our laws. In England they are very numerous, and are defined to be royal privileges in the hands of a subject. An information will lie in many cases growing out of these grants, especially where corporations are concerned, as 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 Louthier,) it was held that an information of this kind did not lie in the case of private rights, where no franchise of the crown has been invaded.*

*If this is so--if in England a privilege existing in a subject, which the king alone could grant, constitutes it a franchise--in this country, under our institutions, **a privilege or immunity of a public nature, which could not be exercised without a legislative grant, would also be a franchise.**”*
[People v. Ridgley, 21 Ill. 65, 1859 WL 6687, 11 Peck 65 (Ill., 1859)]

2. Gave these PRIVILEGED territorial people a name of “U.S. citizen” or “U.S. resident”.
3. Confused the CONSTITUTIONAL “United States****” with the STATUTORY “United States**” in their statutes, forms, and court rulings by refusing to distinguish them. This allowed them to:
 1. Conduct their war on private property and private rights under the COLOR of law, but without the actual AUTHORITY of law.
 2. Claim ignorance when the confusion was revealed.
 3. Protect their plausible deniability.
4. Called 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. Imposed whatever obligations, including tax obligations, that they want upon these privileged franchisees.

9. The methods of deceit and coercion on the citizenship issue

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.
 1. **WARNING:** The CONSTITUTIONAL/POLITICAL context and the STATUTORY/CIVIL contexts are MUTUALLY exclusive and NOT equivalent!
 2. A CONSTITUTIONAL/POLITICAL “citizen[*] of the United States[****]” is a “national of the United States[***] of America” but is not a STATUTORY “national of the United States[***]” per 8 U.S.C. §1101(a)(22) or a STATUTORY/CIVIL “citizen”.
 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 POLITICAL citizen because it relates to birth or naturalization and NOT domicile.
 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:
 1. The civil status of "citizen**+D" is an office in the U.S. government, as we will show.
 2. It is a crime to impersonate a public officer in violation of 18 U.S.C. §911.
 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:
 1. In federal court.
 2. Department of Motor Vehicles on the application for a driver license.
 3. Social Security Administration form SS-5.
 4. Voter registration at the country registrar of voters.
 5. Application for a United States of America Passport, Department of State Form DS-11.
 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:
 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!
 2. They know they need your CONSENT and PERMISSION to transition from a CONSTITUTIONAL citizen to a STATUTORY citizen and therefore "subject".
 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.
 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
<https://sedm.org/Forms/FormIndex.htm>
9. We call this process what it is:
 1. Criminal kidnapping of your legal identity.
 2. Criminal identity theft.
 3. Criminally impersonating a public officer.
 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:
 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.
 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.
 3. PRESUME that ALL of the four contexts for "United States" are equivalent.
 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.
 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: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/ReasonableBelief.pdf>

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, Sections 8 through 11
<https://sedm.org/Forms/FormIndex.htm>
7. Not explaining WHICH of the two contexts apply on government forms but presuming the Statutory context ONLY.
8. Refusing to accept attachments to government forms that clarify the meaning of all terms on forms so as to:
 1. Delegate undue discretion to judges and bureaucrats to PRESUME the statutory context.
 2. Add things to the meaning of words that do not expressly appear in the law.
9. Refusing to define the LEGAL meaning of the terms used on government forms.
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.*

"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]

11. Making unconstitutional and prejudicial presumptions about the status of people that connects them with government franchises without their consent or even their knowledge, in some cases. See:

Presumption: Chief Weapon for Unlawfully Enlarging Federal Jurisdiction, Form #05.017
<https://sedm.org/Forms/FormIndex.htm>
11. **Courts and lawyers:** Courts and lawyers ESPECIALLY have refined this process to a fine art by abusing "legalese" and words of art. They do this through the following very specific tactics in the courtroom.
 1. Prevent jurists from reading the law to discover these tactics. Most federal courthouses forbid jurors serving on duty to enter their law libraries if they have one. Thus, the judge is enabled to insist that HE is the "source of law" and that what he says is law. He thereby substitutes his will for what the law says, and prevents anyone from knowing that what he SAYS the law requires is DIFFERENT from what it ACTUALLY says.
 2. PRESUME that ALL of the four contexts for "United States" are equivalent.
 3. Confusing the Statutory context with the Constitutional context for geographical words of art when these two contexts are NOT equivalent and in fact are mutually exclusive contexts. Terms this trick is applied to include:
 1. "United States" in 26 U.S.C. §7701(a)(9).
 2. "State" in 26 U.S.C. §7701(a)(10) and 4 U.S.C. §110(d).
 3. "U.S.[]" person" in 26 U.S.C. §7701(a)(30).
 4. "U.S.[]" citizen" or "citizen[]" of the United States[]" in 8 U.S.C. §1401, 26 U.S.C. §3121(e), and 26 C.F.R. §1.1-1.
 5. "U.S.[]" resident" in 26 U.S.C. §7701(b)(4).
 4. PRESUME that CONSTITUTIONAL citizens[] and STATUTORY civil citizens[**+D] are EQUIVALENT under federal law. They are NOT. A CONSTITUTIONAL citizen is a "non-resident" under federal law and NOT 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: <https://sedm.org/Forms/FormIndex.htm>
DIRECT LINK: <https://sedm.org/Forms/05-MemLaw/WhyANational.pdf>
 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: <https://sedm.org/Forms/FormIndex.htm>

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

6. Use the word "citizenship" in place of "nationality" OR "domicile", and refuse to disclose WHICH of the two they mean in EVERY context.
7. 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.
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: <https://sedm.org/Forms/FormIndex.htm>

DIRECT LINK: <https://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. Such words include:
 1. "taxpayer" in 26 U.S.C. §7701(a)(14).
 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.
 3. "State"
 4. "Employer" in 26 U.S.C. §3401(d). Means a government agency which a public officer works for, and not a private company.
 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

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

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.
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:
 1. Criminally obstructing justice.
 2. Engaging in organized crime and racketeering, which is committed daily by most federal judges.
 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:
 1. Try to ignore the issue raised like you never said it.
 2. Hope you don't approach the grand jury and get them indicted for their crime.
 3. If you do, go after you with what we call "selective enforcement" as a way to defend themselves illegally.

10. 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 courts of the United States jurisdiction in controversies between citizens of different States, that either the Circuit Court or this court can take cognizance of the corporation as a party; and this is, in truth, the sole foundation on which that cognizance has been assumed, or is attempted to be maintained. The proposition, then, on which the authority of the Circuit Court and of this tribunal is based, is this: The Delaware and Raritan Canal Company is either a citizen of the United States, or it is a citizen of the State of New Jersey. This proposition, startling as its terms may appear, either to the legal or political apprehension, is undeniably the basis of the jurisdiction asserted in this case, and in all others of a similar character, and must be established, or that jurisdiction wholly fails. Let this proposition be examined a little more closely.***

The term citizen will be found rarely occurring in the writers upon English law; those writers almost universally

adopting, as descriptive of those possessing rights or sustaining obligations, political or social, the term subject, as more suited to their peculiar local institutions. But, in the writers of other nations, and under systems of polity deemed less liberal than that of England, we find the term citizen familiarly reviving, and the character and the rights and duties that term implies, particularly defined. Thus, Vattel, in his 4th book, has a chapter, (cap. 6th,) the title of which is: "The concern a nation may have in the actions of her citizens." A few words from the text of that chapter will show the apprehension of this author in relation to this term. "Private persons," says he, "who are members of one nation, may offend and ill-treat the citizens of another; it remains for us to examine what share a state may have in the actions of her citizens, and what are the rights and obligations of sovereigns in that respect." And again: "Whoever uses a citizen ill, indirectly offends the state, which is bound to protect this citizen." **The meaning of the term citizen 98*98 or subject, in the apprehension of English jurists, as indicating persons in their natural character, in contradistinction to artificial or fictitious persons created by law, is further elucidated by those jurists, in their treatises upon the origin and capacities and objects of those artificial persons designated by the name of corporations.** Thus, Mr. Justice Blackstone, in the 18th chapter of his 1st volume, holds this language: "We have hitherto considered persons in their natural capacities, and have treated of their rights and duties. **But, as all personal rights die with the person; and, as the necessary forms of investing a series of individuals, one after another, with the same identical rights, would be inconvenient, if not impracticable; it has been found necessary, when it is for the advantage of the public to have any particular rights kept on foot and continued, to constitute artificial persons, who maintain a perpetual succession, and enjoy a kind of legal immortality. These artificial persons are called corporations.**"

This same distinguished writer, in the first book of his Commentaries, p. 123, says, "The rights of persons are such as concern and are annexed to the persons of men, and when the person to whom they are due is regarded, are called simply rights; but when we consider the person from whom they are due, they are then denominated, duties," And again, cap. 10th of the same book, treating of the PEOPLE, he says, "The people are either aliens, that is, born out of the dominions or allegiance of the crown; or natives, that is, such as are born within it." 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, 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.** Against this position it may be urged, that the 99*99 converse thereof has been ruled by this court, and that this matter is no longer open for question. In answer to such an argument, I would reply, that this is a matter involving a construction of the Constitution, and that wherever the construction or the integrity of that sacred instrument is involved, I can hold myself trammelled by no precedent or number of precedents. That instrument is above all precedents; and its integrity every one is bound to vindicate against any number of precedents, if believed to trench upon its supremacy. Let us examine into what this court has propounded in reference to its jurisdiction in cases in which corporations have been parties; and endeavor to ascertain the influence that may be claimed for what they have heretofore ruled in support of such jurisdiction. The first instance in which this question was brought directly before this court, was that of the Bank of the [United States v. Deveaux, 5 Cranch, 61](#). An examination of this case will present a striking instance of the error into which the strongest minds may be led, whenever they shall depart from the plain, common acceptance of terms, or from well ascertained truths, for the attainment of conclusions, which the subtlest ingenuity is incompetent to sustain. **This criticism upon the decision in the case of the Bank v. Deveaux, may perhaps be shielded from the charge of presumptuousness, by a subsequent decision of this court, hereafter to be mentioned. In the former case, the Bank of the United States, a corporation created by Congress, was the party plaintiff, and upon the question of the capacity of such a party to sue in the courts of the United States, this court said, in reference to that question, "The jurisdiction of this court being limited, so far as respects the character of the parties in this particular case, to controversies between citizens of different States, both parties must be citizens, to come within the description. That invisible, intangible, and artificial being, that mere legal entity, a corporation aggregate, is certainly not a citizen, and consequently cannot sue or be sued in the courts of the United States, unless the rights of the members in this respect can be exercised in their corporate name. If the corporation be considered as a mere faculty, and not as a company of individuals, who, in transacting their business, may use a legal name, they must be excluded from the courts of the Union."** The court having shown the necessity for citizenship in both parties, in order to give jurisdiction; having shown farther, from the nature of corporations, their absolute incompatibility with 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[**+D]”. 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”); 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)]

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, “Congressional 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 invoke CONSTITUTIONAL diversity instead of STATUTORY diversity of citizenship under Article III, Section 2 to litigate in a CONSTITUTIONAL un-enfranchised court.

The above analysis also clearly explains the following, because you can’t be a “citizen[**D+]” under federal civil statutory law unless you are domiciled on federal territory not within a CONSTITUTIONAL state of the Union:

“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, 4th Ed., p. 311]

All federal District Courts are Article IV, Section 3, Clause 2 franchise courts that manage government territory, property, and franchises. Federal corporations are an example of such franchises. This is proven with thousands of pages of evidence in the following. Therefore, the ONLY type of “domicile” they could mean above is domicile on federal territory not within any state of the Union.

[What Happened to Justice?, Form #06.012](#)

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

We also know based on the previous section that corporations are not constitutional citizens, so they can't be "born or naturalized" like a human being. BUT they are "born or naturalized" by other methods to become STATUTORY "citizens" of a particular jurisdiction. For instance:

1. The act of FORMING a corporation gives it "birth", in a legal sense.
2. The place or jurisdiction that the corporation is legally formed becomes the effective civil domicile of that corporation.

"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]

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 time. The place where the corporate headquarters is located usually is treated as the effective domicile of the corporation.
4. If a corporation is formed in a specific state of the Union, then it is a statutory but not constitutional citizen in THAT state only and a statutory alien in every OTHER state AND also alien in respect to federal jurisdiction.

"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)]

Whenever you hear a judge or government prosecutor use the word "citizen" in federal court, they really are referring to civil domicile on federal territory not within any state of the Union. They are setting a trap to exploit your legal ignorance using "words of art". If they are referring to your "nationality" rather than whether you are a "citizen", they are referring to CONSTITUTIONAL citizenship and whether you are a "national" under 8 U.S.C. §1101(a)(21). If they ask you whether you are a CIVIL "citizen[**D+]" or a "citizen[**D+] of the United States[**]", you should always respond by asking:

1. Which of the three "United States" defined by the U.S. Supreme Court in [Hooven & Allison Co. v. Evatt, 324 U.S. 652 \(1945\)](#) do you mean?
2. Do you mean my nationality or my domicile in that place?

..and then you should say you are:

1. Domiciled outside the statutory geographical "United States[**]" and therefore a statutory alien in relation to federal jurisdiction.
2. A CONSTITUTIONAL citizen[*].
3. NOT a STATUTORY 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 the 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.

11. 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 statutory "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

<https://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

<https://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

<https://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[**+DJ]” 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

<https://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

<https://sedm.org/Litigation/LitIndex.htm>

6. Accepting public office within the federal government. This causes you to act 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:

1. Correcting Erroneous IRS Form 1042’s, Form #04.003. See:

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

2. Correcting Erroneous IRS Form 1098’s, Form #04.004. See:

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

3. Correcting Erroneous IRS Form 1099’s, Form #04.005. See:

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

4. Correcting Erroneous IRS Form W-2’s, Form #04.006. See:

<https://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 4.12.16 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”.

12. 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 affects] 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[**+D] 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.

13. 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
<https://sedm.org/Exhibits/ExhibitIndex.htm>

14. Social Security Administration HIDES your citizenship status in their NUMIDENT records

Your citizenship s

#	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"

tatus 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 4-39: SSA NUMIDENT CSP Code Values

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 (POMS) 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 (FOIA) 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
<https://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 and non-citizen national 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 (SSA) 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 following about "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 not subject to federal law and NOT qualified to receive benefits of any kind. I am only applying because:

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 an 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 for doing so under 42 U.S.C. §408(a)(8) 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*, Form #02.001
<https://sedm.org/Forms/FormIndex.htm>

2. [Why It is Illegal for Me to Request or Use a "Taxpayer Identification Number", Form #04.205](https://sedm.org/Forms/FormIndex.htm)
<https://sedm.org/Forms/FormIndex.htm>

15. "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, officer, 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 35j0, 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. 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."
[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]

16. 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, 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 States 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!”*

17. 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.
<https://sedm.org/Forms/FormIndex.htm>
2. Federal Pleading/Motion/Petition Attachment, Litigation Tool #01.002. Attach to pleadings filed in federal court.
<https://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.
<https://sedm.org/Forms/FormIndex.htm>
4. Tax Form Attachment, Form #04.201. Attach to all tax forms you are required to fill out.
<https://sedm.org/Forms/FormIndex.htm>

18. 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 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. [\[1\]](#) One should avoid PRIVILEGES because they DESTROY or undermine constitutional rights. We refer to such PRIVILEGES as franchises. See:

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

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 12.1 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]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.").

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.²³ “The allegations must show that the citizenship of each plaintiff is different from that of each defendant.”²⁴ Some courts have found that the requisite specificity is lacking where a party alleges residency instead of citizenship.²⁵ In fact, such courts have held that “[a]verments of residence are wholly insufficient for purposes of removal.”²⁶ 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.”²⁷ 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.²⁸

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.”²⁹ Consequently, conclusory assertions that diversity of citizenship exists without accompanying factual support about a parties’ citizenship as opposed to residency may result in remand.³⁰ 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.³¹ 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>]

²³ *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)).

²⁴ *Id.*

²⁵ *Id.*

²⁶ *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)).

²⁷ 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).

²⁸ *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”).

²⁹ *Id.*

³⁰ *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]verments 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).

³¹ *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 22 : 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 per 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)
11	Territorial citizen	Domiciled in a constitutional but not statutory	State citizen	Domiciled in a constitutional but not statutory	No jurisdiction	No jurisdiction		

		"State" OTHER than Party 2		"State" OTHER than Party 1				
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. Newman-Green v. Alfonso Larrain, 490 U.S. 826 (1989) (Party 2 is a stateless person)		Alienage jurisdiction. Cook v. Tait, 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:

1. "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 an federal corporation created under the laws of Congress.
- 1.1. It includes 8 U.S.C. §1401 STATUTORY "U.S. citizens" described in 26 C.F.R. §1.1-1(c).
- 1.2. It includes "non-citizen nationals" from U.S. possessions defined in 8 U.S.C. §1408.
- 1.3. 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.
2. "Foreign national", as used in the above table, is a human being
- 2.1. 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.
- 2.2. 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) .
3. "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 2.7 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, [\[2\]](#) 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.")⁷ 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) .

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.⁸ 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,⁹ 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.¹⁰ 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) .¹¹

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 709.5 (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).¹² 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.¹³

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) ("(D)ual 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.¹⁴ 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. citizenship¹⁵ 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).¹⁶ 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 their 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 16th 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]

*"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 willful 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]

*"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]

*"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]

You can read many other wise quotes by Jefferson at:

Thomas Jefferson on Politics and Government
<http://famguardian.org/Subjects/Politics/ThomasJefferson/jeffcont.htm>

Finally, the following memorandum of law identifies how to successfully challenge federal jurisdiction as a 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>

[1] 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.")

[2] 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).