

YOUR EXCLUSIVE RIGHT TO DECLARE OR ESTABLISH YOUR CIVIL STATUS

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1 Introduction

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

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

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

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

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

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

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

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

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

4. To define the meaning of all words appearing on government forms, regardless of how the government defines them.
5. To demand proof of consent to any status that the government seeks to enforce against you.
6. If you are completing a government form that creates any rights by anyone, you have a right:
 - 6.1. Not to be compelled to contract or not to contract.
 - 6.2. To make your consent contingent on a specific prerequisite.
 - 6.3. To expect MUTUAL obligations on the part of both you and the grantor of the benefit.

2 What do we mean by “status”?

The use of the term “status” in this memorandum:

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

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

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

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

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

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

*Property embraces everything which is or may be the subject of ownership, whether a legal ownership. or whether beneficial, or a private ownership. *Davis v. Davis. TexCiv-App.*, 495 S.W.2d. 607. 611. Term includes*

1 not only ownership and possession but also the right of use and enjoyment for lawful purposes. *Hoffmann v.*
2 *Kinealy, Mo.*, 389 S.W.2d. 745, 752.

3 *Property, within constitutional protection, denotes group of rights inhering in citizen's relation to physical*
4 *thing, as right to possess, use and dispose of it. Cereghino v. State By and Through State Highway Commission,*
5 *230 Or. 439, 370 P.2d. 694, 697.*

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

8 *Criminal code. "Property" means anything of value. including real estate, tangible and intangible personal*
9 *property, contract rights, choses-in-action and other interests in or claims to wealth, admission or*
10 *transportation tickets, captured or domestic animals, food and drink, electric or other power. Model Penal*
11 *Code. Q 223.0. See also Property of another, infra. Dusts. Under definition in Restatement, Second, Trusts, Q*
12 *2(c), it denotes interest in things and not the things themselves.*
13 *[Black's Law Dictionary, Fifth Edition, p. 1095]*

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

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

19 (b) Capacity to Sue or be Sued.

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

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

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

- 32 1. Has no capacity to sue or be sued in federal court under the CIVIL statutes of the national government.
33 2. Has no “status” or “civil status” under any federal civil statute, including:
34 2.1. “person”.
35 2.2. “individual”.
36 3. Is not a statutory “citizen” under federal law such as 26 U.S.C. §3121(e) and 26 CFR §1.1-1(c), but rather a “non-
37 resident” and statutory “alien” in relation to the national government.

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

40 [TITLE 26](#) > [Subtitle F](#) > [CHAPTER 79](#) > § 7701
41 [§ 7701. Definitions](#)

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

44 (14) Taxpayer

45 The term “taxpayer” means any person subject to any internal revenue tax.

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

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

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

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

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

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

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

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

37 *[The Social Contract or Principles of Political Right, Jean Jacques Rousseau, 1762, Book IV, Chapter 2]*

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

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

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

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

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

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

24 **3 State’s first duty is to protect the “status” of its own citizens**

25 The reason for establishing all free governments is to protect PRIVATE rights. The very FIRST step in protecting
26 PRIVATE rights is to:

- 27 1. Prevent PRIVATE rights from being involuntarily connected with or converted to PUBLIC rights and franchises by the
28 government.
- 29 2. Protect the STATUS of PRIVATE human beings. All public rights and franchises attach to a statutory status, and
30 imputing a PUBLIC status such as a “public officer” or government “employee” to anyone against their will therefore
31 constitutes THEFT of PRIVATE property and eminent domain directed at such property.

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

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

36 *“It is elementary that each state may determine the status of its own citizens. Milner v. Gatlin [139 Ga. 109,*
37 *76 S.E. 860] supra. The law that governs the status of any individual is the law of his legal situs, that is, the*
38 *law of his domicile. Minor, supra [139 Ga.] at page 131 [76 S.E. 860.] At least this jurisdictional fact--*
39 *dominion over the legal situs must be present before a court can presume to adjudicate a status, and in cases*
40 *involving the custody of children it is usually essential that their actual situs as well be within the jurisdiction of*
41 *the court before its decree will be accorded extraterritorial recognition.”*
42 *[Boor v. Boor, 241 Iowa 973, 43 N.W.2d. 155 (Iowa, 1950)]*

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

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

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

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

4 **4 Effect of acting in a representative capacity upon the civil "status" of a party**

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

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

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

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

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

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

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

- 26 1. PUBLIC persons:
 - 27 1.1. Are statutory creations of the government.
 - 28 1.2. Are subject to regulation, taxation, and control by the government.
 - 29 1.3. Are viewed as a "franchise" of the government subject to excise taxation.
- 30 2. PRIVATE persons:
 - 31 2.1. Are exclusively private.
 - 32 2.2. May not lawfully be regulated, taxed, or burdened by the civil laws of a place.

33 Below is an example of the dividing line between "PUBLIC" and "PRIVATE" persons:

34 *When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*
35 *individual not affected by his relations to others, he might retain. "A body politic," as aptly defined in the*
36 *preamble of the Constitution of Massachusetts, "is a social compact by which the whole people covenants*
37 *with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the*
38 *common good." This does not confer power upon the whole people to control rights which are purely and*
39 *exclusively private, Thorpe v. R. & B. Railroad Co., 27 Vt. 143; but it does authorize the establishment of*
40 *laws requiring each citizen to so conduct himself, and so use his own property, as not unnecessarily to injure*
41 *another. This is the very essence of government, and 125*125 has found expression in the maxim sic utere*
42 *tuio ut alienum non ledas. From this source come the police powers, which, as was said by Mr. Chief Justice*
43 *Taney in the License Cases, 5 How. 583, "are nothing more or less than the powers of government inherent*
44 *in every sovereignty, . . . that is to say, . . . the power to govern men and things." Under these powers the*
45 *government regulates the conduct of its citizens one towards another, and the manner in which each shall use*
46 *his own property, when such regulation becomes necessary for the public good. In their exercise it has been*
47 *customary in England from time immemorial, and in this country from its first colonization, to regulate ferries,*
48 *common carriers, hackmen, bakers, millers, wharfingers, innkeepers, &c., and in so doing to fix a maximum of*
49 *charge to be made for services rendered, accommodations furnished, and articles sold. To this day, statutes are*

1 to be found in many of the States upon some or all these subjects; and we think it has never yet been
2 successfully contended that such legislation came within any of the constitutional prohibitions against
3 interference with private property. With the Fifth Amendment in force, Congress, in 1820, conferred power
4 upon the city of Washington "to regulate . . . the rates of wharfage at private wharves, . . . the sweeping of
5 chimneys, and to fix the rates of fees therefor, . . . and the weight and quality of bread," 3 Stat. 587, sect. 7; and,
6 in 1848, "to make all necessary regulations respecting hackney carriages and the rates of fare of the same, and
7 the rates of hauling by cartmen, wagoners, carmen, and draymen, and the rates of commission of auctioneers,"
8 9 id. 224, sect. 2.

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

10 SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

11 The important point to note about the above is that:

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

13 *This does not confer power upon the whole people to control rights which are purely and exclusively private,*

14 *Thorpe v. R. & B. Railroad Co., 27 Vt. 143*

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

16 SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

- 17 2. By declaring or associating yourself with a domicile within the jurisdiction of a specific government, you:
18 2.1. Select or nominate a specific protector.
19 2.2. Become a "citizen" and a "person" under the civil laws of that place.
20 3. As a "citizen", you implicitly consent and covenant to be protected by and therefore "governed" and bound by the civil
21 laws of that place. This produces a waiver of sovereign immunity which also causes a surrender of otherwise
22 EXCLUSIVELY PRIVATE rights.

23 *"When one becomes a member of society, he necessarily parts with some rights or privileges which, as an*
24 *individual not affected by his relations to others, he might retain."*

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

26 SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

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

30 *"A body politic," as aptly defined in the preamble of the Constitution of Massachusetts, "is a social compact*
31 *by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall*
32 *be governed by certain laws for the common good."*

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

34 SOURCE: http://scholar.google.com/scholar_case?case=6419197193322400931]

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

36 *"Compact, n. An agreement or contract between persons, nations, or states. Commonly applied to working*
37 *agreements between and among states concerning matters of mutual concern. A contract between parties,*
38 *which creates obligations and rights capable of being enforced and contemplated as such between the parties,*
39 *in their distinct and independent characters. A mutual consent of parties concerned respecting some property or*
40 *right that is the object of the stipulation, or something that is to be done or forborne. See also Compact clause;*
41 *Confederacy; Interstate compact; Treaty."*

42 [Black's Law Dictionary, Sixth Edition, p. 281]

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

- 44 1. Implicitly consent to all civil statuses associated with the entity you represent.
45 2. Implicitly consent to the civil laws associated with the specific place and associated government:
46 2.1. Where the PUBLIC entity such as a corporation was created.
47 2.2. Where the formerly PRIVATE entity was registered or licensed.

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

50 IV. PARTIES > Rule 17.

1 [Rule 17. Parties Plaintiff and Defendant: Capacity](#)

2 (b) Capacity to Sue or be Sued.

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

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

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

15 "A corporation is a citizen, resident, or inhabitant of the state or country by or under the laws of which it was
16 created, and of that state or country only."
17 [19 Corpus Juris Secundum (C.J.S.), Corporations, §886]

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

20 **5 Relationship of Status to First Amendment Right of Free Association**

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

23 **5.1 American Jurisprudence 2d**

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

26 "The right to associate or not to associate with others solely on the basis of individual choice, not being
27 absolute, ³ may conflict with a societal interest in requiring one to associate with others, or to prohibit one
28 from associating with others, in order to accomplish what the state deems to be the common good. **The**
29 **Supreme Court, though rarely called upon to examine this aspect of the right to freedom of association, has**
30 **nevertheless established certain basic rules which will cover many situations involving forced or prohibited**
31 **associations.** Thus, where a sufficiently compelling state interest, outside the political spectrum, can be
32 accomplished only by requiring individuals to associate together for the common good, then such forced
33 association is constitutional. ⁴ **But the Supreme Court has made it clear that compelling an individual to**
34 **become a member of an organization with political aspects [such as a state or municipality], or compelling**
35 **an individual to become a member of an organization which financially supports [through payment of taxes],**
36 **in more than an insignificant way, political personages or goals which the individual does not wish to**
37 **support, is an infringement of the individual's constitutional right to freedom of association.** ⁵ **The First**

³ § 539.

⁴ Lathrop v. Donohue, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed.2d. 1191 (1961), reh'g denied, 368 U.S. 871, 82 S.Ct. 23, 7 L.Ed.2d. 72 (1961) (a state supreme court may order integration of the state bar); Railway Emp. Dept. v. Hanson, 351 U.S. 225, 76 S.Ct. 714, 100 L.Ed. 1112 (1956), motion denied, 351 U.S. 979, 76 S.Ct. 1044, 100 L.Ed. 1494 (1956) and reh'g denied, 352 U.S. 859, 77 S.Ct. 22, 1 L.Ed.2d. 69 (1956) (upholding the validity of the union shop provision of the Railway Labor Act).

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

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

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

1 Amendment prevents the government, except in the most compelling circumstances, from wielding its power
2 to interfere with its employees' freedom to believe and associate, or to not believe and not associate; it is not
3 merely a tenure provision that protects public employees from actual or constructive discharge. ⁶ Thus, First
4 Amendment principles prohibit a state from compelling any individual to associate with a political party, as a
5 condition of retaining public employment. ⁷ The First Amendment protects nonpolicymaking public employees
6 from discrimination based on their political beliefs or affiliation. ⁸ But the First Amendment protects the right
7 of political party members to advocate that a specific person be elected or appointed to a particular office and
8 that a specific person be hired to perform a governmental function. ⁹ In the First Amendment context, the
9 political patronage exception to the First Amendment protection for public employees is to be construed
10 broadly, so as presumptively to encompass positions placed by legislature outside of "merit" civil service.
11 Positions specifically named in relevant federal, state, county, or municipal laws to which discretionary
12 authority with respect to enforcement of that law or carrying out of some other policy of political concern is
13 granted, such as a secretary of state given statutory authority over various state corporation law practices, fall
14 within the political patronage exception to First Amendment protection of public employees. ¹⁰ However, a
15 supposed interest in ensuring effective government and efficient government employees, political affiliation or
16 loyalty, or high salaries paid to the employees in question should not be counted as indicative of positions that
17 require a particular party affiliation. ¹¹
18 [American Jurisprudence 2d, Constitutional law, §546: Forced and Prohibited Associations]

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

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

24 For more on the above, see:

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

⁶ Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, 111 L.Ed.2d. 52, 5 I.E.R. Cas. (BNA) 673 (1990), reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990) and reh'g denied, 497 U.S. 1050, 111 S.Ct. 13, 111 L.Ed.2d. 828 (1990).

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

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

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

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

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

⁷ Abood v. Detroit Bd. of Ed., 431 U.S. 209, 97 S.Ct. 1782, 52 L.Ed.2d. 261, 95 L.R.R.M. (BNA) 2411, 81 Lab. Cas. (CCH) ¶ 55041 (1977), reh'g denied, 433 U.S. 915, 97 S.Ct. 2989, 53 L.Ed.2d. 1102 (1977); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

⁸ LaRou v. Ridlon, 98 F.3d. 659 (1st Cir. 1996); Parrish v. Nikolits, 86 F.3d. 1088 (11th Cir. 1996), cert. denied, 117 S.Ct. 1818, 137 L.Ed.2d. 1027 (U.S. 1997).

⁹ Vickery v. Jones, 100 F.3d. 1334 (7th Cir. 1996), cert. denied, 117 S.Ct. 1553, 137 L.Ed.2d. 701 (U.S. 1997).

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

¹⁰ McCloud v. Testa, 97 F.3d. 1536, 12 I.E.R. Cas. (BNA) 1833, 1996 FED App. 335P (6th Cir. 1996), reh'g and suggestion for reh'g en banc denied, (Feb. 13, 1997).

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

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

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

As to political patronage jobs, see § 472.

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

5.2 First Amendment Law in a Nutshell, West Group, pp. 266-267

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

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

"[A]t the heart of the First Amendment is the notion that the individual should be free to believe as he will, and that in a free society one's beliefs should be shaped by his mind and by his conscience rather than coerced by the State [through illegal enforcement of the revenue laws]." 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]

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

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

6 Status declarations that make you party to contracts, franchises, or government "benefits"

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

*United States Constitution
Article I, Section 10*

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

Implicit in the meaning of "impair", includes the following:

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

Income Taxation of Real Estate Sales, Form #05.044
<http://sedm.org/Forms/FormIndex.htm>

3. Compelling you to make a state a party to any aspect of a contract between otherwise private parties. This amounts to theft of property, because all rights are property and the conveyance of rights under the agreement without consideration is a theft of property.
4. Compelling you to donate any portion of the consideration passing between the private parties to a public use, a public purpose, or a public office within the government and thereby subject it to taxation. All sales taxes, in fact, occur only on federal territory and the decision as a vendor to collect them amounts to consent to become a resident of federal territory. See, for instance, California Revenue and Taxation Code, Section 6017.
5. Refusing to enforce any provision of the contract that is not violative of the criminal law and therefore not already unenforceable. This amounts to a violation of constitutionally protected rights through omission.

6. Compelling you to contract with the state or participate in any franchise, including, but not limited to:
 - 6.1. Social Security.
 - 6.2. Medicare.
 - 6.3. Income taxes.
 - 6.4. Sales taxes.
 - 6.5. Property taxes.
 - 6.6. Unemployment insurance.

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

*"Surely the matters in which the public has the most interest are the supplies of food and clothing; yet can it be that by reason of this interest the state may fix the price [impair the contract!] at which the butcher must sell his meat, or the vendor of boots and shoes his goods? Men are endowed by their Creator with certain **unalienable rights**, 'life, liberty, and the pursuit of happiness;' and to 'secure,' not grant or create, these rights, governments are instituted. **That property which a man has honestly acquired he retains full control of, subject to these limitations: First, that he shall not use it to his neighbor's injury, and that does not mean that he must use it for his neighbor's benefit; second, that if he devotes [donates it] it to a public use, he gives to the public a right to control that use; and third, that whenever the public needs require, the public may take it upon payment of due compensation.**"*
[Budd v. People of State of New York, 143 U.S. 517 (1892)]

An example of a status associated with a government franchise is the status of being "married":

1. The rights of the parties associated with that status attach to the marriage contract.
2. The marriage contract, in turn, is codified in the family code of the state. That code is subject to continual revision by the legislature.
3. The collection of all the rights affected by the contract is called a "res" by the courts:

"It is universally conceded that a divorce proceeding, in so far as it affects the status of the parties, is an action in rem. 19 Cor. Jur. 22, § 24; 3 Freeman on Judgments (5th Ed.) 3152. It is usually said that the 'marriage status' is the res. Both parties to the marriage, and the state of the residence of each party to the marriage, has an interest in the marriage status. In order that any court may obtain jurisdiction over an action for divorce that court must in some way get jurisdiction over the res (the marriage status). The early cases assumed that such jurisdiction was obtained when the petitioning party was properly domiciled in the jurisdiction. Ditson v. Ditson, 4 R. I. 87, is the leading case so holding; see, also, Andrews v. Andrews, 188 U.S. 14, 23 S.Ct. 237, 47 L.Ed. 366."
[Delaney v. Delaney, 216 Cal. 27, 13 P.2d 719 (CA. 1932)]

4. The "res" is defined as follows:

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

***Res is everything that may form an object of rights and includes an object, subject-matter or status. In re Riggle's Will, 11 A.D.2d. 51 205 N.Y.S.2d. 19, 21, 22. The term is particularly applied to an object, subject-matter, or status, considered as the defendant in an action, or as an object against which, directly, proceedings are taken.** Thus, in a prize case, the captured vessel is "the res"; and proceedings of this character are said to be in rem. (See In personam; In Rem.) "Res" may also denote the action or proceeding, as when a cause, which is not between adversary parties, is entitled "In re _____".*
[Black's Law Dictionary, Sixth Edition, pp. 1304-1306]

5. The "res", or rights created by the marriage contract are created by mutual, voluntary, informed consent of the parties to the contract, meaning the act of executing a valid marriage.
6. A valid marriage usually requires a public ceremony, accompanied by witnesses, and which the parties attended voluntarily and without duress. The presence of duress at the ceremony invalidates the contract and thereby destroys the "res".
7. The parties to the licensed marriage contract include the two spouses AND the government. An unlicensed marriage removes the State as party:

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

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

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

- 27 1. Why Statutory Civil Law is Law for Government and Not Private Persons, Form #05.037
28 <http://sedm.org/Forms/FormIndex.htm>
- 29 2. Why Your Government is Either a Thief or You are a "Public Officer" for Income Tax Purposes, Form #05.008
30 <http://sedm.org/Forms/FormIndex.htm>
- 31 3. Proof that There is a "Straw Man", Form #05.042
32 <http://sedm.org/Forms/FormIndex.htm>

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

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

42 TITLE 26 > Subtitle F > CHAPTER 79 > Sec. 7701. [Internal Revenue Code]
43 Sec. 7701. - Definitions

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

46 (9) United States

47 The term "United States" when used in a geographical sense includes only the States and the District of
48 Columbia.

49 (10) State

50 The term "State" shall be construed to include the District of Columbia, where such construction is necessary to
51 carry out provisions of this title.

1 Uniform Commercial Code (U.C.C.)
2 § 9-307. LOCATION OF DEBTOR.

3 (h) [Location of United States.]

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

5 [SOURCE:

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

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

10 *At common law, a "corporation" was an "artificial perso[n] endowed with the legal capacity of perpetual*
11 *succession" consisting either of a single individual (termed a "corporation sole") or of a collection of several*
12 *individuals (a "corporation aggregate"). 3 H. Stephen, Commentaries on the Laws of England 166, 168 (1st*
13 *Am. ed. 1845) . The sovereign was considered a corporation. See id., at 170; see also 1 W. Blackstone,*
14 *Commentaries *467. Under the definitions supplied by contemporary law dictionaries, Territories would have*
15 *been classified as "corporations" (and hence as "persons") at the time that 1983 was enacted and the*
16 *Dictionary Act recodified. See W. Anderson, A Dictionary of Law 261 (1893) ("All corporations were*
17 *originally modeled upon a state or nation"); 1 J. Bouvier, A Law Dictionary Adapted to the Constitution and*
18 *Laws of the United States of America 318-319 (11th ed. 1866) ("In this extensive sense the United States may*
19 *be termed a corporation"); Van Brocklin v. Tennessee, 117 U.S. 151, 154 (1886) ("The United States is a . . .*
20 *great corporation . . . ordained and established by the American people") (quoting United [495 U.S. 182,*
21 *202] States v. Maurice, 26 F. Cas. 1211, 1216 (No. 15,747) (CC Va. 1823) (Marshall, C. J.); Cotton v.*
22 *United States, 11 How. 229, 231 (1851) (United States is "a corporation"). See generally Trustees of*
23 *Dartmouth College v. Woodward, 4 Wheat. 518, 561-562 (1819) (explaining history of term "corporation").*
24 *[Ngiraingas v. Sanchez, 495 U.S. 182 (1990)]*

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

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

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

44
45 *"No servant can serve two masters [God and government]; for either he will hate the one and love the other, or*
46 *else he will be loyal to the one and despise the other. You cannot serve God and mammon [government]."*
47 *[Luke 16:13, Bible, NKJV]*

48
49 *"Again you have heard that it was said to those of old, 'You shall not swear falsely, but shall perform your oaths*
50 *to the Lord.'*

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

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

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

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

7 CALIFORNIA CIVIL CODE
8 DIVISION 3. OBLIGATIONS
9 PART 2. CONTRACTS
10 CHAPTER 3. CONSENT
11 [Section 1589](#)

12
13 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations
14 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

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

19 **7 Compelled or Non-Consensual Changes to Your Status on Government Forms** 20 **is a Tort**

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

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

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

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

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

36 "This form is provided as a mandatory attachment to U.S. Department of State form DS-11 in order to carefully
37 define my citizenship status and legal domicile. The attached DS-11 application is INVALID and not useful as
38 evidence in any legal proceeding WITHOUT this mandatory attachment also included in its entirety with no
39 information altered or redacted on either the DS-11 or this form by anyone other than me. The reason I am
40 attaching this form is to prevent surrendering my sovereign status by having my citizenship misconstrued as
41 that of a statutory "U.S. citizen" defined in 8 U.S.C. §1401. A statutory "U.S. citizen" cannot be a "foreign
42 sovereign" by virtue of their statutory citizenship as described in 28 U.S.C. §1603(b)(3). It is also a crime
43 pursuant to 18 U.S.C. §1542, 18 U.S.C. §911, 18 U.S.C. §1001, and 18 U.S.C. §1621 to declare oneself to be a
44 statutory "U.S. citizen" pursuant to 8 U.S.C. §1401 when one has no evidence on which to base a reasonable
45 belief that they are and I don't ever want to be a criminal by saying anything on a government form that I know
46 either isn't true or which I can't prove with evidence is true. The submission of this form is therefore provided
47 at the advise of my counsel as an act of self-defense intended to protect my constitutional rights from being
48 injured by false presumptions, being compelled to engage in compelled association, or from having my legal
49 identity kidnapped and moved to the District of Columbia pursuant to 26 U.S.C. §§7701(a)(39) and 7408(d)
50 without my consent. DO NOT attempt to contact me to persuade me to change my citizenship or domicile status

1 as documented on this form or to change any answer provided on the attached DS-11 form. Doing so will
2 cause you to engage in a criminal conspiracy to tamper with a witness in violation of [18 U.S.C. §1512](#) and to
3 violate [18 U.S.C. §1542](#), [18 U.S.C. §911](#), [18 U.S.C. §1001](#), and [18 U.S.C. §1621](#). The penalty for violating
4 these statutes is up to 25 years in jail. If you have a problem with my status as documented herein, please in
5 your response copy this form and complete Section 7 of this form.”
6 [USA Passport Application Attachment, Form #06.007]

7 **8 Rebutting challenges to your declaration of status by the government**

8 **8.1 Presumptions by others about your status unsupported by evidence are a tort**

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

11 (1) [8:4993] *Conclusive presumptions affecting protected interests:*

12 A conclusive presumption may be defeated where its application would impair a party's constitutionally-
13 protected liberty or property interests. In such cases, conclusive **presumptions have been held to violate a**
14 **party's due process and equal protection rights.** [Vlandis v. Kline (1973) [412 U.S. 441](#), 449, 93 S.Ct. 2230,
15 2235; Cleveland Bd. of Ed. v. LaFleur (1974) [414 US 632](#), 639-640, 94 S.Ct. 1208, 1215-presumption under
16 Illinois law that unmarried fathers are unfit violates process]
17 [[Ruter Group Practice Guide-Federal Civil Trials and Evidence, paragraph 8:4993, page 8K-34](#)]

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

19 **Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process**
20 **Clauses of the Fifth and Fourteenth Amendments.** In [Heiner v. Doman](#), [285 U.S. 312](#), [52 S.Ct. 358](#), [76 L.Ed.](#)
21 [772 \(1932\)](#), the Court was faced with a constitutional challenge to a federal statute that created a conclusive
22 presumption that gifts made within two years prior to the donor's death were made in contemplation of death,
23 thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary
24 and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it
25 had 'held more than once that a statute creating a presumption which operates to deny a fair opportunity to
26 rebut it violates the due process clause of the Fourteenth Amendment.' *Id.*, at 329, [52 S.Ct.](#), at 362. See, e.g.,
27 [Schlesinger v. Wisconsin](#), [270 U.S. 230](#), [46 S.Ct. 260](#), [70 L.Ed. 557 \(1926\)](#); [Hooper v. Tax Comm'n](#), [284 U.S.](#)
28 [206](#), [52 S.Ct. 120](#), [76 L.Ed. 248 \(1931\)](#). See also [Tot v. United States](#), [319 U.S. 463](#), [468-469](#), [63 S.Ct. 1241](#),
29 [1245-1246](#), [87 L.Ed. 1519 \(1943\)](#); [Leary v. United States](#), [395 U.S. 6](#), [29-53](#), [89 S.Ct. 1532](#), [1544-1557](#), [23](#)
30 [L.Ed.2d. 57 \(1969\)](#). Cf. [Turner v. United States](#), [396 U.S. 398](#), [418-419](#), [90 S.Ct. 642](#), [653-654](#), [24 L.Ed.2d. 610](#)
31 [\(1970\)](#).
32 [[Vlandis v. Kline](#), [412 U.S. 441 \(1973\)](#)]

33 **8.2 Calling your declaration of status “frivolous”**

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

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

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

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

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

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

9 Authorities on the Exclusive Right to Declare One’s Civil Status

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

The following case deals with the military draft. Those who are drafted must undergo “induction” in order to change their status from civil to military. The point at which that status change becomes effective is when they CONSENT to it by voluntarily undergoing a ceremony and thereby consent to change their status. That ceremony can and usually is either an act of stepping over a physical line or taking an oath, both of which are voluntary acts. Without these outward manifestations of consent to voluntarily change one’s status from civilian to military, those drafted are presumed to retain their civilian status and not be under military jurisdiction.

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

Before STEPHENS, BONE, and POPE, Circuit Judges.

STEPHENS, Circuit Judge.

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

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

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

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

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

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

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

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

15 Petitioner testified that his mother and grandmother belonged to Jehovah's Witnesses; on re-cross-examination
16 petitioner was asked, 'Were you a member of the enlisted reserves in the Army of the United States?' To which
17 he replied in the affirmative. The record does not reveal how long or under what circumstances he was in such
18 service. On *296 cross-examination, petitioner was asked, 'When did you become a conscientious objector?'
19 Petitioner answered, 'While sitting in the room. I just thought. The material together, I would say, filled my
20 mind, and this is one thing I wanted to do. * * * Q. When your name was called did you take a step forward?
21 A. No.' He also testified that some of the selectees shuffled their feet or didn't move when their names were
22 called.

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

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

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

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

47 [2] [3] We are of the opinion that the unnecessarily crowded set-up in the induction room made it physically
48 impossible for the inducting officer to have seen whether petitioner took the step forward and that it was in fact
49 impossible for petitioner to take a step forward. Therefore, we think, the court's finding on this factual issue was
50 in error. The evidence reveals no act after the induction ceremonies from which it could be found that
51 petitioner had in fact acquiesced in induction,^{FN4} but on the contrary his conduct is entirely consistent with
52 his claim that he did not submit to induction, and is not consistent with any theory of acquiescence. However,
53 the court made no finding on the subject of acquiescence.

54 [4] We hold that the evidence does not support the conclusion of the trial court that petitioner was inducted
55 into the Armed Services of the United States. *297 The judgment is reversed and remanded with instructions
56 to order petitioner's release from the custody of the Army officers.

57 Reversed and remanded.

58 FNI. The quotation is from the affidavit of Captain Earl S. Beydler which was attached to the return and made
59 a part thereof. The affidavit was stipulated as the Captain's evidence in chief. The procedure followed by the

Captain was exactly in accord with Army Special Regulations 615-180-1, paragraph 23, issued by the Department of the Army April 10, 1953.

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

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

FN4. See footnote 3, supra.

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

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

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

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

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

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

We can learn a lot from the above case:

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

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

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

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

2.2. The authority of the government is delegated by we the people.

2.3. If you never delegate the authority to make declarations of status by choosing a domicile within any government, then you MUST have reserve it to yourself.

3. What makes a state or government “foreign” is the fact that you don’t have a domicile within their jurisdiction. It is an intrusion into your sovereignty for a foreign state to determine your civil status.

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

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

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

This case describes how:

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

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

*This case involves a matter of contractual relation between the parties; and the law of contracts, as applicable thereto, is worthy of notice. The government, as contracting party, offers contract and service. Grimley accepts such contract, declaring that he possesses all the qualifications prescribed in the government’s offer. The contract is duly signed. Grimley has made an untrue statement in regard to his qualifications.*151 The government makes no objection because of the untruth. The qualification is one for the benefit of the government, one of the contracting parties. Who can take advantage of Grimley’s lack of qualification? Obviously only the party for whose benefit it was inserted. Such is the ordinary law of contracts. Suppose A., an individual, were to offer to enter into contract with persons of Anglo-Saxon descent, and B., representing that he is such descent, accepts the offer and enters into contract; can he thereafter, A. making no objection, repudiate the contract on the ground that he is not of Anglo-Saxon descent? A. has prescribed the terms. He contracts with B. upon the strength of his representations that he comes within those terms. Can B. thereafter plead his disability in avoidance of the contract? On the other hand, suppose for any reason it could be contended that the proviso as to age was for the benefit of the party enlisting, is Grimley in any better position? The matter of age is merely incidental, and not of the substance of the contract. And can a party by false representations as to such incidental matter obtain a contract, and thereafter disown and repudiate its obligations **55 on the simple ground that the fact in reference to this incidental matter was contrary to his representations? May he utter a falsehood to acquire a contract, and plead the truth to avoid it, when the matter in respect to which the falsehood is stated is for his benefit? It must be noted here that in the present contract is involved no matter of duress, imposition, ignorance, or intoxication. Grimley was sober, and of his own volition went to the recruiting office and enlisted. There was no compulsion, no solicitation, no misrepresentation. A man of mature years, he entered freely into the contract. But in this transaction something more is involved than the making of a contract, whose breach exposes to an action for damages. Enlistment is a contract, but it is one of those contracts which changes the status, and where that is changed, no breach of the contract destroys the new status or relieves from the obligations which its existence imposes. Marriage is a contract; but it is one which creates a status. Its contract *152 obligations are mutual faithfulness; but a breach of those obligations does not destroy the status or change the relation of the parties to each other. The parties remain husband and wife no matter what their conduct to each other, no matter how great their disregard of marital obligations. It is true that courts have power, under the statutes of most states, to terminate those contract obligations, and put an end to the marital relations. But this is never done at the instance of the wrong-door. The injured party, and the injured party alone, can obtain relief and a change of status by judicial action. So, also, a foreigner by naturalization enters into new obligations. More than that, he thereby changes his status; he ceases to be an alien, and becomes a citizen, and, when that change is once accomplished, no disloyalty on his part, no breach of the obligations of citizenship, of itself, destroys his citizenship. In other words, it is a general rule accompanying a change of status, that when once accomplished it is not destroyed by the mere misconduct of one of the parties, and the guilty party cannot plead his own wrong as working a termination and destruction thereof. Especially is he debarred from pleading the existence of facts personal to himself, existing before the change of status, the entrance into new relations, which would have excused him from entering into those relations and making the change, or, if disclosed to the other party,*

1 would have led it to decline admission into the relation, or consent to the change. By enlistment the citizen
2 becomes a soldier. His relations to the state and the public are changed. He acquires a new status, with
3 correlative rights and duties; and although he may violate his contract obligations, his status as a soldier is
4 unchanged. He cannot of his own volition throw off the garments he has once put on, nor can he, the state not
5 objecting, renounce his relations and destroy his status on the plea that, if he had disclosed truthfully the facts,
6 the other party, the state, would not have entered into the new relations with him, or permitted him to change
7 his status. Of course these considerations may not apply where there is insanity, idiocy, infancy, or any other
8 disability which, in its nature, disables a *153 party from changing his status or entering into new relations.
9 But where a party is sui juris, without any disability to enter into the new relations, the rule generally applies as
10 stated. A naturalized citizen would not be permitted, as a defense to a charge of treason, to say that he had
11 acquired his citizenship through perjury, that he had not been a resident of the United States for five years, or
12 within the state or territory where he was naturalized one year, or that he was not a man of good moral
13 character, or that he was not attached to the constitution. No more can an enlisted soldier avoid a charge of
14 desertion, and escape the consequences of such act, by proof that he was over age at the time of enlistment,
15 or that he was not able-bodied, or that he had been convicted of a felony, or that before his enlistment he had
16 been a deserter from the military service of the United States. These are matters which do not inhere in the
17 substance of the contract, do not prevent a change of status, do not render the new relations assumed
18 absolutely void; and in the case of a soldier, these considerations become of vast public importance. While
19 our regular army is small compared with those of European nations, yet its vigor and efficiency are equally
20 important. An army is not a deliberative body. It is the executive arm. Its law is that of obedience. No question
21 can be left open as to the right to command in the officer, or the duty of obedience in the soldier. Vigor and
22 efficiency on the part of the officer, and confidence among the soldiers in one another, are impaired if any
23 question be left open as to their attitude to each other. So, unless there be in the nature of things some
24 inherent vice in the existence of the relation, or natural wrong in the manner in which it was established,
25 public policy requires that it should not be disturbed. Now, there is no inherent vice in the military service of a
26 man 40 years of age. The age of 35, as prescribed in the statute, is one of convenience merely. The government
27 has the right to the military service of all its able-bodied citizens; and may, when emergency arises, justly exact
28 that service from all. And if, for its own convenience, and with a view to the selection of the best material, it has
29 fixed the age at 35, it is a matter *154 which in any given case it may waive; and it does not lie in the mouth of
30 any one above that age on that account alone, to demand release from an obligation voluntarily assumed, and
31 discharge from a service voluntarily entered into. The government, and the government alone, is the party to
32 the transaction that can raise objections on that ground. We conclude, therefore, that the age of the
33 petitioner was no ground for his discharge."
34 [U. S. v. Grimley, 137 U.S. 147, 11 S.Ct. 54, U.S. (1890)]

35 **9.4 In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)**

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

40 "And here a thought suggests itself. As the Meadors, subsequently to the passage of this act of July 20, 1868,
41 applied for and obtained from the government a license or permit to deal in manufactured tobacco, snuff and
42 cigars, I am inclined to be of the opinion that they are, by this their own voluntary act, precluded from assailing
43 the constitutionality of this law, or otherwise controverting it. For the granting of a license or permit-the
44 yielding of a particular privilege-and its acceptance by the Meadors, was a contract, in which it was implied
45 that the provisions of the statute which governed, or in any way affected their business, and all other statutes
46 previously passed, which were in pari materia with those provisions, should be recognized and obeyed by
47 them. When the Meadors sought and accepted the privilege, the law was before them. And can they now
48 impugn its constitutionality or refuse to obey its provisions and stipulations, and so exempt themselves from
49 the consequences of their own acts?"
50 [In re Meador, 1 Abb.U.S. 317, 16 F.Cas. 1294, D.C.Ga. (1869)]

51 **9.5 United States v. Malinowski, 347 F.Supp. 352 (1992)**

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

54 "The Company is not authorized to alter the form [W-4 or its equivalent] or to dishonor the worker's claim. The
55 certificate goes into effect automatically"
56 [U.S. District Court Judge Huyett, United States v. Malinowski, 347 F.Supp. 352 (1992)]

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

[4] In all domestic concerns each state of the Union is to be deemed an independent sovereignty. As such, it is its province and its duty to forbid interference by another state as well as by any foreign power with the status of its own citizens. Unless at least one of the spouses is a resident thereof in good faith, the courts of such sister state or of such foreign power cannot acquire jurisdiction to dissolve the marriage of those who have an established domicile in the state which resents such interference with matters which disturb its social serenity or affect the morals of its inhabitants. [5] Jurisdiction over divorce proceedings of residents of California by the courts of a sister state cannot be conferred by agreement of the litigants. [6] As protector of the morals of her people it is the duty of a court of this commonwealth to prevent the dissolution of a marriage by the decree of a court of another jurisdiction pursuant to the collusion of the spouses. If by surrendering its power it evades the performance of such duty, marriage will ultimately be considered as a formal device and its dissolution freed from legal inhibitions. [7] Not only is a divorce of California [81 Cal.App.2d 880] residents by a court of another state void because of the plaintiff's lack of bona fide residence in the foreign state, but it is void also for lack of the court's jurisdiction over the State of California. [8] This state is a party to every marriage contract of its own residents as well as the guardian of their morals. Not only can the litigants by their collusion not confer jurisdiction upon Nevada courts over themselves but neither can they confer such jurisdiction over this state.

[9] It therefore follows that a judgment of divorce by a court of Nevada without first having pursuant to its own laws acquired...

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

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

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

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

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

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

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

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

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

2 The implications of the above are that:

- 3 1. The federal courts have no lawful delegated authority to determine or declare whether you are a “taxpayer”.
- 4 2. If federal courts cannot directly declare you a “taxpayer”, then they also cannot do it indirectly by, for instance:
- 5 2.1. Presuming that you are a “taxpayer”.
- 6 2.2. Calling you a “taxpayer” before you have called yourself one.
- 7 2.3. Arguing with you if you rebut others from calling you a “taxpayer”.
- 8 2.4. Treating you as a “taxpayer” if you provide evidence to the contrary by enforcing any provision of the I.R.C.
- 9 Subtitle A “taxpayer” franchise agreement against you as a “nontaxpayer”.

10 *“Revenue Laws relate to taxpayers [instrumentalities, officers, employees, and elected officials of the national*

11 *Government] and not to non-taxpayers [non-citizen nationals domiciled within the exclusive jurisdiction of a*

12 *state of the Union and not subject to the exclusive jurisdiction of the national Government]. The latter are*

13 *without their scope. No procedures are prescribed for non-taxpayers and no attempt is made to annul any of*

14 *their Rights or Remedies in due course of law. With them[non-taxpayers] Congress does not assume to deal*

15 *and they are neither of the subject nor of the object of federal revenue laws.”*

16 *[Economy Plumbing & Heating v. U.S., 470 F.2d. 585 (1972)]*

17 Authorities supporting the above include the following:

18 ***“It is almost unnecessary to say, that what the legislature cannot do directly, it cannot do indirectly. The***

19 ***stream can mount no higher than its source. The legislature cannot create corporations with illegal powers, nor***

20 ***grant unconstitutional powers to those already granted.”***

21 *[Gelpcke v. City of Dubuque, 68 U.S. 175, 1863 WL 6638 (1863)]*

22

23 ***“Congress cannot do indirectly what the Constitution prohibits directly.”***

24 *[Dred Scott v. Sandford, 60 U.S. 393, 1856 WL 8721 (1856)]*

25

26 *“In essence, the district court used attorney’s fees in this case as an alternative to, or substitute for, punitive*

27 *damages (which were not available). **The district court cannot do indirectly what it is prohibited from doing***

28 ***directly.”***

29 *[Simpson v. Sheahan, 104 F.3d. 998, C.A.7 (Ill.) (1997)]*

30

31 ***“It is axiomatic that the government cannot do indirectly (i.e. through funding decisions) what it cannot do***

32 ***directly.”***

33 *[Com. of Mass. v. Secretary of Health and Human Services, 899 F.2d. 53, C.A.1 (Mass.) (1990)]*

34

35 *“Almost half a century ago, this Court made clear that the government “may not enact a regulation providing*

36 *that no Republican ... shall be appointed to federal office.” Public Workers v. Mitchell, 330 U.S. 75, 100, 67*

37 *S.Ct. 556, 569, 91 L.Ed. 754 (1947). What the *78 **First Amendment precludes the government**2739 from***

38 ***commanding directly, it also precludes the government from accomplishing indirectly. See Perry, 408 U.S., at***

39 ***597, 92 S.Ct., at 2697 (citing Speiser v. Randall, 357 U.S. 513, 526, 78 S.Ct. 1332, 1342, 2 L.Ed.2d. 1460***

40 ***(1958); see supra, at 2735.”***

41 *[Rutan v. Republican Party of Illinois, 497 U.S. 62, 110 S.Ct. 2729, U.S. Ill. (1990)]*

42

43 *“Similarly, **numerous cases have held that governmental entities cannot do indirectly that which they cannot***

44 ***do directly. See *841 Board of County Comm’rs v. Umbehr, 518 U.S. 668, 674, 116 S.Ct. 2342, 135 L.Ed.2d.***

45 ***843 (1996) (holding that the First Amendment protects an independent contractor from termination or***

46 ***prevention of the automatic renewal of his at-will government contract in retaliation for exercising his***

47 ***freedom of speech); El Dia, Inc. v. Rossello, 165 F.3d. 106, 109 (1st Cir.1999) (holding that a government***

48 ***could not withdraw advertising from a newspaper which published articles critical of that administration***

49 ***because it violated clearly established First Amendment law prohibiting retaliation for the exercising of***

50 ***freedom of speech); North Mississippi Communications v. Jones, 792 F.2d. 1330, 1337 (5th Cir.1986)***

51 ***(same). The defendants violated clearly established Due Process and First Amendment law by boycotting the***

52 ***plaintiffs’ business in an effort to get them removed from the college.”***

53 *[Kimney v. Weaver, 111 F.Supp.2d. 831, E.D.Tex. (2000)]*

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

The purpose of government forms is almost exclusively to create usually false presumptions that prejudice your status, forfeit usually a Constitutional right, and connect you to some form of government franchise in the process. As we pointed out earlier in section 8.1, presumptions about your status are a constitutional tort if engaged in by anyone from the government. The Bible also makes presumptions a sin:

"But *the person who does anything presumptuously, whether he is native-born or a stranger, that one brings reproach on the Lord, and he shall be cut off from among his people.*"
[Numbers 15:30, Bible, NKJV]

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

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

"IRS Publications, issued by the National Office, explain the law in plain language for taxpayers and their advisors... While a good source of general information, publications should not be cited to sustain a position."
[[Internal Revenue Manual, Section 4.10.7.2.8 \(05-14-1999\)](#)]

2. Private publications also confirm the above:

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

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

p. 34: "7. Other Written and Oral Advice. Most taxpayers' requests for advice from the IRS are made orally. Unfortunately, the IRS is not bound by answers to questions or positions stated by its employees orally, whether in person or by telephone. According to the procedural regulations, 'oral advice is advisory only and the Service is not bound to recognize it in the examination of the taxpayer's return.' 26 CFR §601.201(k)(2). In rare cases, however, the IRS has been held to be equitably estopped to take a position different from that stated orally to, and justifiably relied on by, the taxpayer. The Omnibus Taxpayer Bill of Rights Act, enacted as part of the Technical and Miscellaneous Revenue Act of 1988, gives taxpayers some comfort, however. It amended section 6404 to require the Service to abate any penalty or addition to tax that is attributable to advice furnished in writing by any IRS agent or employee acting within the scope of his official capacity. Section 6404 as amended protects the taxpayer only if the following conditions are satisfied: the written advice from the IRS was issued in response to a written request from the taxpayer; reliance on the advice was reasonable; and the error in the advice did not result from inaccurate or incomplete information having been furnished by the taxpayer. Thus, it will still be difficult to bind the IRS even to written statements made by its employees. As was true before, taxpayers may be penalized for following oral advice from the IRS."
[[Tax Procedure and Tax Fraud, Patricia Morgan, 1999, ISBN 0-314-06586-5, West Group](#)]

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

"It is unfortunately all too common for government manuals, handbooks, and in-house publications to contain statements that were not meant or are not wholly reliable. If they go counter to governing statutes and regulations of the highest or higher dignity, e.g. regulations published in the Federal Register, they do not bind the government, and persons relying on them do so at their peril. *Caterpillar Tractor Co. v. United States*, 589 F.2d. 1040, 1043, 218 Ct.Cl. 517 (1978) (A Handbook for Exporters, a Treasury publication). *Dunphy v. United States* [529 F.2d. 532, 208 Ct.Cl. 986 (1975)], *supra* (Navy publication entitled All Hands). In such cases it is necessary to examine any informal publication to see if it was really written to fasten legal consequences on the government. *Dunphy, supra*. See also *Donovan v. United States*, 139 U.S. App. D.C. 364, 433 F.2d. 522 (D.C.Cir.), *cert. denied*, 401 U.S. 944, 91 S.Ct. 955, 28 L. Ed. 2d 225 (1971). (*Employees Performance Improvement Handbook, an FAA publication*)(merely advisory and directory publications do not

1 have mandatory consequences). *Bartholomew v. United States*, 740 F.2d. 526, 532 n. 3 (7th Cir. 1984)(quoting
2 *Fiorentino v. United States*, 607 F.2d. 963, 968, 221 Ct.Cl. 545 (1979), cert. denied, 444 U.S. 1083, 100 S.Ct.
3 1039, 62 L. Ed. 2d 768 (1980).

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

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

17 Consequently, there is not reason to believe that you understand the meaning of words used on government forms and it is a
18 hazard to your liberty to allow or permit a government employee to ASSUME that they know what the words mean either.
19 Words that would fall into such a category include all the following "words of art", for instance:

- 20 1. "United States"
- 21 2. "State"
- 22 3. "income"
- 23 4. "employee"
- 24 5. "employer"
- 25 6. "trade or business"
- 26 7. "wages"
- 27 8. "gross income"

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

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

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

36 (a) *United States Code.*—

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

44 Below is the definition of "prima facie":

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

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

1 This court has never treated a presumption as any form of evidence. See, e.g., [A.C. Aukerman Co. v. R.L. Chaides Constr. Co., 960 F.2d. 1020, 1037 \(Fed.Cir.1992\)](#) (“[A] presumption is not evidence.”); see also [Del Vecchio v. Bowers, 296 U.S. 280, 286, 56 S.Ct. 190, 193, 80 L.Ed. 229 \(1935\)](#) (“[A presumption] cannot acquire the attribute of evidence in the claimant's favor.”); [New York Life Ins. Co. v. Gamer, 303 U.S. 161, 171, 58 S.Ct. 500, 503, 82 L.Ed. 726 \(1938\)](#) (“[A] presumption is not evidence and may not be given weight as evidence.”). Although a decision of this court, [Jensen v. Brown, 19 F.3d. 1413, 1415 \(Fed.Cir.1994\)](#), dealing with presumptions in VA law is cited for the contrary proposition, the Jensen court did not so decide.
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3
4
5
6
7
8 [Ruten v. West, 142 F.3d. 1434 C.A.Fed.,1998]

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

12 Statutes creating permanent irrebuttable presumptions have long been disfavored under the Due Process
13 Clauses of the Fifth and Fourteenth Amendments. In [Heiner v. Donnan, 285 U.S. 312, 52 S.Ct. 358, 76 L.Ed. 772 \(1932\)](#), the Court was faced with a constitutional challenge to a federal statute that created a conclusive
14 presumption that gifts made within two years prior to the donor's death were made in contemplation of death,
15 thus requiring payment by his estate of a higher tax. In holding that this irrefutable assumption was so arbitrary
16 and unreasonable as to deprive the taxpayer of his property without due process of law, the Court stated that it
17 had ‘held more than once that a statute creating a presumption which operates to deny a fair opportunity to
18 rebut it violates the due process clause of the Fourteenth Amendment.’ *Id.*, at 329, 52 S.Ct., at 362. See, e.g.,
19 [Schlesinger v. Wisconsin, 270 U.S. 230, 46 S.Ct. 260, 70 L.Ed. 557 \(1926\)](#); [Hooper v. Tax Comm'n, 284 U.S. 206, 52 S.Ct. 120, 76 L.Ed. 248 \(1931\)](#). See also [Tot v. United States, 319 U.S. 463, 468-469, 63 S.Ct. 1241, 1245-1246, 87 L.Ed. 1519 \(1943\)](#); [Leary v. United States, 395 U.S. 6, 29-53, 89 S.Ct. 1532, 1544-1557, 23 L.Ed.2d. 57 \(1969\)](#). Cf. [Turner v. United States, 396 U.S. 398, 418-419, 90 S.Ct. 642, 653-654, 24 L.Ed.2d. 610 \(1970\)](#).
20
21
22
23
24
25 [Vlandis v. Kline, 412 U.S. 441 (1973)]

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

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

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

- 34 1. [Reasonable Belief About Income Tax Liability](#), Form #05.007
35 <http://sedm.org/Forms/FormIndex.htm>
- 36 2. [Socialism: The New American Civil Religion](#), Form #05.016
37 <http://sedm.org/Forms/FormIndex.htm>

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

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

44 We therefore assert that:

- 45 1. Everyone has a right of self-defense. Implicit in that right is the right to define the meaning of what you say or put on
46 government forms to prevent being injured by what you said or wrote.
- 47 2. The First Amendment guarantees us a right to:

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

30 The IRS obviously knows the above, which is why they publish specifications on how you can make your OWN forms as

31 substitute for theirs. As an example, see:

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

32 **12 You have a right to define the meaning of the perjury statement as an extension**

33 **of your right to contract**

34 Signing a perjury statement not only constitutes the taking of an oath, but also constitutes the conveying of consent to be

35 held accountable for the accuracy and truthfulness of what appears on the form. It therefore constitutes an act of

36 contracting that conveys consent and rights to the government to hold you accountable for the accuracy of what is on the

37 form. Governments are created to protect your right to contract and the Constitution forbids them from interfering with or

38 impairing the exercise of that inalienable right. Governments are created to ensure that every occasion you give consent or

39 contract is not coerced.

40 *"Independent of these views, there are many considerations which lead to the conclusion that the power to*

41 *impair contracts, by direct action to that end, does not exist with the general [federal] government. In the*

42 *first place, one of the objects of the Constitution, expressed in its preamble, was the establishment of justice,*

43 *and what that meant in its relations to contracts is not left, as was justly said by the late Chief Justice, in*

44 *Hepburn v. Griswold, to inference or conjecture. As he observes, at the time the Constitution was undergoing*

45 *discussion in the convention, the Congress of the Confederation was engaged in framing the ordinance for the*

46 *government of the Northwestern Territory, in which certain articles of compact were established between the*

47 *people of the original States and the people of the Territory, for the purpose, as expressed in the instrument, of*

48 *extending the fundamental principles of civil and religious liberty, upon which the States, their laws and*

49 *constitutions, were erected. By that ordinance it was declared, that, in the just preservation of rights and*

50 *property, 'no law ought ever to be made, or have force in the said Territory, that shall, in any manner,*

51 *interfere with or affect private contracts or engagements bona fide and without fraud previously formed.' The*

52 *same provision, adds the Chief Justice, found more condensed expression in the prohibition upon the States [in*

1 Article 1, Section 10 of the Constitution] against impairing the obligation of contracts, which has ever been
2 recognized as an efficient safeguard against injustice; and though the prohibition is not applied in terms to the
3 government of the United States, he expressed the opinion, speaking for himself and the majority of the court at
4 the time, that it was clear 'that those who framed and those who adopted the Constitution intended that the
5 spirit of this prohibition should pervade the entire body of legislation, and that the justice which the
6 Constitution was ordained to establish was not thought by them to be compatible with legislation [or judicial
7 precedent] of an opposite tendency.' 8 Wall. 623. [99 U.S. 700, 765] Similar views are found expressed in the
8 opinions of other judges of this court."
9 [[Sinking Fund Cases, 99 U.S. 700 \(1878\)](#)]

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

12 "An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party
13 coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to
14 execute the agreement as the state of mind induced.¹² Duress, like fraud, rarely becomes material, except
15 where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress
16 renders the contract or conveyance voidable, not void, at the option of the person coerced,¹³ and it is
17 susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to
18 avoid it.¹⁴ However, duress in the form of physical compulsion, in which a party is caused to appear to assent
19 when he has no intention of doing so, is generally deemed to render the resulting purported contract void.¹⁵"
20 [American Jurisprudence 2d, Duress, Section 21]

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

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

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

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

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

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

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

¹² Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

¹³ Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fasje v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 SE.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

¹⁴ Fasje v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

¹⁵ Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

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

5 Notice, based on the above perjury statement, that:

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

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

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

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

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

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

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

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

31 *"Under penalties of perjury from without the 'United States' pursuant to 28 U.S.C. §1746(1), I declare that*
32 *I have examined this return and accompanying schedules and statements, and to the best of my knowledge and*
33 *belief, they are true, correct, and complete. I declare that I am a 'nontaxpayer' not subject to the Internal*
34 *Revenue Code, not domiciled in the 'United States', and not participating in a 'trade or business' and that it is*
35 *a Constitutional tort to enforce the I.R.C. against me. I also declare that any attempt to use the content of this*
36 *form to enforce any provision of the I.R.C. against me shall render everything on this form as religious and*
37 *political statements and beliefs rather than facts which are not admissible as evidence pursuant to Fed.Rul.Ev.*
38 *610.*

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

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

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

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

13 Conclusions

This section summarizes the findings of this document:

1. The foundation of all free government is the consent of the governed, according to the Declaration of independence.

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

2. The consent of the governed is the origin of the great divide between civil and criminal law:
 - 2.1. Criminal laws do not require your consent to enforce. If you hurt someone, then you are subject to the criminal laws whether you have a domicile in the forum or not.
 - 2.2. Civil laws require a choice of domicile within the jurisdiction of a specific government in order to enforce against you. Enforcing the civil laws against persons not domiciled within a jurisdiction can and often does result in a violation of due process of law and a void judgment.
3. Choosing a domicile within a specific government is how one:
 - 3.1. Becomes a “subject” under the civil law.
 - 3.2. Surrenders sovereign immunity pursuant to 26 U.S.C. §1603(b)(3).
 - 3.3. Changes their status from a “nonresident” to a “citizen” or “resident”.
 - 3.4. Changes their status from a “transient foreigner” to a “person” or “inhabitant”.
4. Examples of civil disputes that are governed by civil law from one’s voluntary choice of domicile include:
 - 4.1. Marriage licenses.
 - 4.2. Income tax.
 - 4.3. Contract disputes.
 - 4.4. Government benefits, such as Social Security, Medicare, Unemployment, etc.
5. The right to make determinations about or changes in the civil status of someone originates from one’s voluntary choice of domicile. See the above.
 - 5.1. That authority is delegated to a specific government by your choice of domicile.

“It is plain that every state has the right to determine the status or domestic or social condition of persons domiciled within its territory.” *Hunt v. Hunt*, 72 N. Y. 217, 227; *Strader v. Graham*, 10 How. 82. *“Every nation may determine the status of its own domiciled subjects, and any interference by foreign tribunals would be an officious intermeddling with a matter in which they have no concern. The parties cannot consent to the change of status, and the judgment is not binding in a third country.”* *Black, Jur. § 77.* *When the Texas proceeding was instituted the respondent and her child were transiently in that state, upon a temporary occasion, and with the intention of returning to their domicile in New York. “Though a state may have a right to declare the condition of all persons within her limits, the right only exists while that person remains there, She has not the power of giving a condition or status that will adhere to the person everywhere, but upon his return to his place of domicile he will occupy his former position.”* *Maria v. Kirby*, 12 B.Mon. 542, 545,- a case in which the decision is an adjudication of the precise point in controversy.
[People ex rel. Campbell v. Dewey, 23 Misc. 267, 50 N.Y.S. 1013, N.Y.Sup. (1898)]

- 5.2. The authority of the government is delegated by we the people.
- 5.3. If you never delegated the authority to make declarations of status by choosing a domicile within any government, then you MUST have reserved it to yourself.
6. What makes a state or government “foreign” is the fact that you don’t have a domicile within their jurisdiction. It is an intrusion into your sovereignty for a “foreign state” to determine your civil status.

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

7. When you are physically in a state or jurisdiction other than the one in which you are domiciled, all status declarations made by the state or government at the place of your domicile are nonbinding on the foreign jurisdiction that you are physically in.
8. The words you use to describe and declare your status in a legal setting may be characterized as:

- 1 8.1. An exercise of your right to politically associate protected by the First Amendment.
2 8.2. An exercise of your right to contract protected by Article 1, Section 10 of the Constitution if the status carries
3 with its obligations under any system of civil law.
4 8.3. An exercise of your right to speak, to not speak, and to define the significance of the words you use that is
5 protected by the First Amendment.
6 9. Any attempt by an officer or agent of the government to describe you with any civil status other than what you describe
7 yourself under the civil law or to enforce any of the legal obligations associated with that status constitutes:
8 9.1. Involuntary servitude in violation of the Thirteenth Amendment.
9 9.2. A violation of your right to contract, by compelling you to contract with the party who is advantaged by the
10 status.
11 9.3. Compelled association, by compelling you to associate politically, legally, or both with the “state” or government
12 associated with that status.
13 10. You can declare or acquire a new status:
14 10.1. Expressly either in writing or vocally. For instance, they could fill out a government application for benefits and
15 thereby declare themselves to be a franchisee under the laws that administer the franchise.
16 10.2. Impliedly by their decision to accept a government “benefit”.

17 CALIFORNIA CIVIL CODE
18 DIVISION 3. OBLIGATIONS
19 PART 2. CONTRACTS
20 CHAPTER 3. CONSENT
21 [Section 1589](#)
22

23 1589. A voluntary acceptance of the benefit of a transaction is equivalent to a consent to all the obligations
24 arising from it, so far as the facts are known, or ought to be known, to the person accepting.

- 25 11. Once you acquire a given legal status under the terms of a franchise or contract, that status can be changed usually only
26 with:
27 11.1. The consent of all parties consistent with the contract or franchise itself.
28 11.2. For a misrepresentation to be demonstrated by a party to the contract and to demonstrate an injury to that party
29 which warrants termination of the contract for fraud.
30 11.3. One or more parties demonstrating the existence of duress.

31 *“An agreement [consensual contract] obtained by duress, coercion, or intimidation is invalid, since the party*
32 *coerced is not exercising his free will, and the test is not so much the means by which the party is compelled to*
33 *execute the agreement as the state of mind induced.*¹⁶ *Duress, like fraud, rarely becomes material, except*
34 *where a contract or conveyance has been made which the maker wishes to avoid. As a general rule, duress*
35 *renders the contract or conveyance voidable, not void, at the option of the person coerced,*¹⁷ *and it is*
36 *susceptible of ratification. Like other voidable contracts, it is valid until it is avoided by the person entitled to*
37 *avoid it.*¹⁸ *However, duress in the form of physical compulsion, in which a party is caused to appear to assent*
38 *when he has no intention of doing so, is generally deemed to render the resulting purported contract void.*¹⁹
39 *[American Jurisprudence 2d, Duress, Section 21]*

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

43 **Contract.** *An agreement between two or more [sovereign] persons which creates an obligation to do or not to*
44 *do a particular thing. As defined in Restatement, Second, Contracts §3: “A contract is a promise or a set of*
45 *promises for the breach of which the law gives a remedy, or the performance of which the law in some way*
46 *recognizes as a duty.” A legal relationships consisting of the rights and duties of the contracting parties; a*

¹⁶ Brown v. Pierce, 74 U.S. 205, 7 Wall 205, 19 L.Ed. 134

¹⁷ Barnette v. Wells Fargo Nevada Nat'l Bank, 270 U.S. 438, 70 L.Ed. 669, 46 S.Ct. 326 (holding that acts induced by duress which operate solely on the mind, and fall short of actual physical compulsion, are not void at law, but are voidable only, at the election of him whose acts were induced by it); Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962); Carroll v. Fetty, 121 W.Va 215, 2 SE.2d. 521, cert den 308 U.S. 571, 84 L.Ed. 479, 60 S.Ct. 85.

¹⁸ Fiske v. Gershman, 30 Misc.2d. 442, 215 N.Y.S.2d. 144; Heider v. Unicume, 142 Or 416, 20 P.2d. 384; Glenney v. Crane (Tex Civ App Houston (1st Dist)) 352 S.W.2d. 773, writ ref n r e (May 16, 1962)

¹⁹ Restatement 2d, Contracts § 174, stating that if conduct that appears to be a manifestation of assent by a party who does not intend to engage in that conduct is physically compelled by duress, the conduct is not effective as a manifestation of assent.

1 promise or set of promises constituting an agreement between the parties that gives each a legal duty to the
2 other and also the right to seek a remedy for the breach of those duties. Its essentials are competent parties,
3 subject matter, a legal consideration, mutuality of agreement, and mutuality of consideration. Lamoureux v.
4 Burrillville Racing Ass'n, 91 R.I. 94, 161 A.2d. 213, 215.

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

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

12 13. In law, all government franchises behave as contracts:

13 As a rule, franchises spring from contracts between the sovereign power and private citizens, made upon
14 valuable considerations, for purposes of individual advantage as well as public benefit,²⁰ and thus a franchise
15 partakes of a double nature and character. So far as it affects or concerns the public, it is *publici juris* and is
16 subject to governmental control. The legislature may prescribe the manner of granting it, to whom it may be
17 granted, the conditions and terms upon which it may be held, and the duty of the grantee to the public in
18 exercising it, and may also provide for its forfeiture upon the failure of the grantee to perform that duty. But
19 when granted, it becomes the property of the grantee, and is a private right, subject only to the governmental
20 control growing out of its other nature as publici juris.²¹
21 [Am.Jur.2d, Franchises, §4: Generally]

22 14. All government franchises are enforced with civil law. Therefore:

23 14.1. You cannot maintain a specific status under a franchise agreement without also having a domicile within the
24 jurisdiction of the government grantor of the franchise.

25 14.2. It is a violation of due process of law and of the Minimum Contacts Doctrine to enforce franchises against parties
26 domiciled outside of the territory of the government grantor of the franchise.

27 14.3. Any government enforcing the terms of a franchise against nonresident parties must satisfy the Minimum
28 Contacts Doctrine against the object of their enforcement.

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

31 15.1. One or more of the parties to the contract or franchise lacked the capacity to enter into the contract because, for
32 instance, they were either not sui juris or had no delegated authority to do so if they were acting in a
33 representative capacity on behalf of another.

34 15.2. They are injured by the status.

35 15.3. Duress existed in the contract or application that gave rise to the status.

36 15.4. No consideration was conveyed which made the contract enforceable that gave rise to the change in status.

37 **14 Resources for Further Study and Rebuttal**

38 If you would like to study the subjects covered in this short pamphlet in further detail, may we recommend the following
39 authoritative sources, and also welcome you to rebut any part of this pamphlet after your have read it and studied the
40 subject carefully yourself just as we have:

41 1. Declaratory Judgments Act, 28 U.S.C. §2201

42 http://www.law.cornell.edu/uscode/html/uscode28/usc_sec_28_00002201---000-.html

43 2. Liberty University- Free educational materials for regaining your sovereignty as an entrepreneur or private person

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

²⁰ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.

²¹ Georgia R. & Power Co. v. Atlanta, 154 Ga. 731, 115 S.E. 263; Lippencott v. Allander, 27 Iowa 460; State ex rel. Hutton v. Baton Rouge, 217 La. 857, 47 So.2d. 665; Tower v. Tower & S. Street R. Co. 68 Minn 500, 71 N.W. 691.